

1 NATIONAL CAPITOL CONTRACTING

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3 HJU038000

4 MARKUP OF H.R. 732,

5 THE "STOP SETTLEMENT SLUSH FUNDS ACT OF 2017"

6 Wednesday, February 7, 2017

7 House of Representatives,

8 Committee on the Judiciary,

9 Washington, D.C.

10       The committee met, pursuant to call, at 10:00 a.m., in  
11 Room 2141, Rayburn House Office Building, Hon. Bob Goodlatte  
12 [chairman of the committee] presiding.

13       Present: Representatives Goodlatte, Chabot, Issa,  
14 Franks, Gohmert, Jordan, Chaffetz, Marino, Gowdy, Labrador,  
15 Farenthold, Collins, DeSantis, Buck, Ratcliffe, Bishop,  
16 Roby, Gaetz, Johnson, Biggs, Conyers, Nadler, Lofgren,  
17 Cohen, Johnson, Deutch, Bass, Cicilline, Swalwell, Lieu,  
18 Raskin, and Jayapal.

19       Staff Present: Shelley Husband, Staff Director; Branden  
20 Ritchie, Deputy Staff Director; Zach Somers, Parliamentarian  
21 and General Counsel; Dan Huff, Counsel, Subcommittee on

22 Regulatory Reform, Commercial and Antitrust Law; Alley  
23 Adcock, Clerk; Perry Apfelbaum, Minority Staff Director,  
24 Chief Counsel; Slade Bond, Minority Democratic Counsel;  
25 Susan Jensen, Minority Senior Counsel; Matthew Morgan,  
26 Minority Professional Staff; Rosalind Jackson, Minority  
27 Professional Assistant; and Joseph Ehrenkrantz, Minority  
28 Legislative Aide.

29 Chairman Goodlatte. Good morning. The Judiciary  
30 Committee will come to order, and without objection the  
31 chair is authorized to declare a recess at any time.

32 Pursuant to notice, I will now call up H.R. 732 for  
33 markup and move that the committee report the bill favorably  
34 to the House. The clerk will report the bill.

35 Ms. Adcock. H.R. 732, to limit donations made pursuant  
36 to settlement agreements which the United States is a party  
37 in for other purposes.

38 [The bill follows:]

39 \*\*\*\*\* INSERT 1 \*\*\*\*\*

40 Chairman Goodlatte. Without objection, the bill is  
41 considered as read and open for amendment at any time. I  
42 will begin my recognizing myself for an opening statement.

43 Last Congress, this committee commenced a pattern or  
44 practice investigation into the Justice Department's  
45 mortgage lending settlements. We found that the Department  
46 of Justice is systematically subverting Congress's spending  
47 power by requiring settling parties to donate money to  
48 activist groups.

49 In its last 2 years, the Obama Justice Department  
50 directed nearly a billion dollars to third parties entirely  
51 outside Congress's spending and oversight authority. In  
52 some cases, these mandatory donation provisions reinstated  
53 funding Congress specifically cut. The spending power is  
54 one of Congress's most effective tools in reining in the  
55 executive branch. This is true no matter which party is in  
56 the White House.

57 The Democrat led Congress passed the Cooper-Church  
58 Amendment to end the Vietnam War, but recently bipartisan  
59 funding restrictions block lavish salary and conference  
60 spending by Federal agencies and grantees. This policy  
61 control is lost if the executive gains unilateral authority  
62 over spending. Serious people on both sides of the aisle  
63 understand this.

64 A former Deputy Assistant Attorney General for the

65 Office of Legal Counsel in the Clinton administration warned  
66 in 2009 that DOJ, "Has the ability to use settlements to  
67 circumvent the appropriations authority of Congress."

68 In 2008, a top Republican DOJ official restricted  
69 mandatory donation provisions because they, "can create  
70 actual or perceived conflicts of interest, and/or other  
71 ethical issues." Any objections to this bill will be  
72 unfounded. Whether the beneficiaries of these are worthy  
73 entities is entirely beside the point.

74 The Constitution grants Congress the power to decide  
75 how money is spent, not DOJ. This is not some esoteric  
76 point. It goes to the heart of the separation of powers  
77 theory and Congress's ability to rein in executive overreach  
78 in practice, nor does the bill restrict prosecutorial  
79 discretion. That discretion pertains to the decision to  
80 prosecute. Setting penalties and remedial policy is the  
81 proper purview of Congress.

82 Opponents' central concern is that there may be cases  
83 of generalized harm to communities that cannot be addressed  
84 by restitution, but this misses the fundamental point. DOJ  
85 has authority to obtain the address for victims. Federal  
86 law-defined victims be those directly and proximately harmed  
87 by a defendant's acts.

88 Once those victims have been compensated, deciding what  
89 to do with additional funds extracted from defendants

90 becomes a policy question properly decided by elected  
91 representatives in Congress, not agencies, bureaucrats, or  
92 prosecutors.

93       It is not that DOJ officials will always be funding bad  
94 projects. It is that outside of compensating actual  
95 victims, it is not their decision to make. Rather than  
96 suspend the practice of mandatory donations in response to  
97 these bipartisan concerns, the Obama Justice Department  
98 doubled down.

99       DOJ's recent settlement with Volkswagen requiring the  
100 company to spend \$2 billion to fund an Obama administration  
101 electric vehicle initiative, for which Congress had twice  
102 refused to pay, is an example in point. DOJ's January 18,  
103 2017 settlement with Credit Suisse required the bank to  
104 spend 240 million credit dollars financing affordable  
105 housing projects. Because the projects must be financed at  
106 below market rates, the bank has been credited with the  
107 losses associated with the financing.

108       In other words, the financing is effectively a donation  
109 in the guise of a loan. It is time for Congress to end this  
110 abuse. The Stop Settlement Slush Funds Act of 2017 bars  
111 mandatory donation terms in DOJ settlements. It is a  
112 bipartisan bill. It makes clear that payments divide  
113 restitution or actual harm directly caused, including harm  
114 to the environment, are permitted.

115       Do not be fooled by opponent's scare tactics. They  
116 claim that the legislation could prohibit conduct remedies  
117 used in settlements covering workplace discrimination,  
118 harassment, and consumer privacy.

119       The bill does not preclude such remedies. Nothing bars  
120 DOJ from requiring a defendant to implement workplace  
121 training and monitoring programs. The ban on third-party  
122 payments merely ensures that the defendant remains  
123 responsible to perform these remedies itself. It is not  
124 required to outsource set sums for the work of third parties  
125 who might be friendly with the given administration.

126       This bill address an institutional issue that is one  
127 reason similar language passed the House last Congress by  
128 voice vote. I thank all of the bill's cosponsors, and I  
129 urge its passage.

130       It is now my pleasure to recognize the ranking member  
131 of the Judiciary Committee, Mr. Conyers of Michigan, for his  
132 opening statement.

133       [The prepared statement of Chairman Goodlatte follows:]

134       \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

135       Mr. Conyers. Thank you, Chairman Goodlatte. H.R. 732  
136 will prohibit the Federal Government from injuring the undue  
137 or enforcing any settlement agreement requiring donations to  
138 remediate harms that are not, "directly and approximately,"  
139 caused by a party's unlawful conduct. This is problematic  
140 for several reasons. To begin with, the bill would prohibit  
141 these types of civil agreements even though they have been  
142 successfully used to remedy various harms, particularly  
143 those caused by reckless corporate actors.

144       For example, these settlement agreements helped  
145 facilitate an effective response to predatory and fraudulent  
146 market lending activities of financial institutions that  
147 nearly caused the economic collapse of our Nation, and that  
148 led to the Great Recession. In fact, settlement agreements  
149 with two of these culpable financial institutions, The Bank  
150 of America and Citigroup, required a donation of less than  
151 1% of the overall settlements amount to fund foreclosure  
152 provision and remediation programs to help affected  
153 consumers. Less than 1 percent.

154       Contrary to the majority's claim, the Justice  
155 Department did not use any of these settlement agreements to  
156 fund activist groups. Notwithstanding the production of  
157 hundreds of pages of documents by the Justice Department,  
158 along with hundreds of pages of documents produced by  
159 private parties, we have not seen any evidence that the



160 government included unlawful or politically motivated terms  
161 in its settlement agreements with Bank of America or  
162 Citigroup.

163       The majority also asserts that these settlement  
164 agreements are used by the Justice Department and other  
165 agencies to circumvent the congressional appropriation  
166 process. But existing law already prevents agencies from  
167 augmenting their own funds by requiring that donations  
168 included in settlement agreements have a clear nexus to the  
169 prosecutorial objectives of the enforcement agency. And  
170 both the Government Accountability Office and the  
171 Congressional Research Service have concluded that  
172 settlement agreements providing for secondary remediation do  
173 not violate Congress's Constitutional power of the purse.

174       Finally, I am also concerned that H.R. 732 would have  
175 harmful consequences on the remediation of systemic harms in  
176 civil and criminal enforcement actions. I think that is  
177 very, very important. These settlement agreements allow  
178 parties to resolve their civil and criminal liability by  
179 voluntarily remediating the harms caused by their unlawful  
180 conduct.

181       For some types of unlawful conduct, such as  
182 discrimination based on race or religion, secondary  
183 remediation of harms may be the only remedy available for  
184 systemic violations of the law, as they typically affect the

185 interests of individuals who are not themselves party to the  
186 underlying action. Secondary remediation in the form of  
187 voluntary compliance and training programs, for example,  
188 serve as an important tool in these cases to protect victims  
189 of discrimination.

190 So, given these concerns and others presented by the  
191 bill, I am still in very firm opposition to H.R. 732. Thank  
192 you, Mr. Goodlatte. I yield back.

193 [The prepared statement of Mr. Conyers follows:]

194 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

195 Chairman Goodlatte. Thank you, Mr. Conyers, and I  
196 would now like to recognize the gentleman from Rhode Island,  
197 Mr. Cicilline, for his opening statement.

198 Mr. Cicilline. Thank you, Mr. Chairman. It has only  
199 been days since President Trump's shameful decision to fire  
200 acting Attorney General Sally Yates for her courageous stand  
201 against the unconstitutional Muslim ban, and yet we now are  
202 considering yet another Republican proposal that would  
203 undermine the enforcement discretion of career Justice  
204 Department attorneys.

205 H.R. 732, the inaptly titled, "Stop Settlement Slush  
206 Funds Acts of 2017," would flatly ban the enforcement of any  
207 settlement agreement that seeks to remedy general harm  
208 caused by unlawful conduct. This prohibition would broadly  
209 apply to all civil and criminal settlements with limited  
210 exception, encroaching on the Justice Department's long-  
211 standing legal authority to negotiate and end all legal  
212 settlement agreements. Since its establishment in 1870, the  
213 Justice Department has possessed plenary authority to  
214 litigate on behalf of the government in all civil and  
215 criminal litigation, except if otherwise provided by law.

216 Since at least as early as 1888, the Supreme Court has  
217 upheld this barred grant of authority. Since then, the  
218 Court has also held that this authority extends to selling  
219 litigation on behalf of the government making enforcement

220 decisions in light of priorities and resources.

221       In Heckler vs. Chaney, for example, the Court held in  
222 1985 that in many cases enforcement decision within the  
223 Justice Department's expertise make it, "far better-equipped  
224 than the courts to deal with the many variables involved in  
225 the proper ordering of priorities."

226       This rationale also extends to the terms of settlement  
227 agreements, which, "involve numerous complicated technical  
228 issues, as well as important judgment in respect to the use  
229 of limited prosecutorial resources, and are best left in  
230 hand to the expert agencies and prosecutors rather than  
231 dictated by Congress or the Federal Courts," as environment  
232 law expert Professor Joel A. Mintz has noted.

233       H.R. 732 upends this long-standing policy by strictly  
234 curtailing the enforcement discretion of the Justice  
235 Department and other enforcing agencies when resolving a  
236 party's civil or criminal liability on behalf of the Federal  
237 Government.

238       As the Justice Department observed last Congress, "The  
239 conducts of a substantially similar legislation, limiting  
240 the Department's discretion to negotiate appropriate terms  
241 of settlement, which are voluntarily and agreed to by the  
242 parties, may result in fewer settlement agreements,  
243 protractive litigation, and delays for victims who need the  
244 relief."

245       Without this discretionary authority, the department  
246 will conclude that government may not be able to adequately  
247 address the full scope of the harms that offense illegal  
248 action caused.

249       It is therefore not surprising that this legislation is  
250 opposed by a broad coalition of public interest  
251 organizations, including Americans for Financial Reform,  
252 Public Citizen, the National Fair Housing Alliance, and the  
253 National Urban League, which stated in opposition to a  
254 substantially similar version of this bill considered last  
255 Congress that it would, "undermine law enforcement goals by  
256 reducing the ability of suitable remedies to address these  
257 kind of injuries to the public cause by illegal conduct."

258       Mr. Chairman, despite investigating the department's  
259 use of settlement agreements for over 2 years, this  
260 committee has not uncovered any evidence indicating a lapse  
261 in judgment or a misuse of discretion by the Justice  
262 Department, or any other enforcement agency, for that  
263 matter.

264       To the contrary, we have learned from the Nonpartisan  
265 Congressional Research Service, its experts in civil and  
266 criminal law, that the Justice Department of President Obama  
267 did not violate common law in any of the settlement  
268 agreements that has been a subject of Congressional  
269 oversight. The bill before us would prevent settlement

270 agreements that authorize payments to parties not directly  
271 and approximately harmed by the unlawful conduct of the  
272 settling defendant.

273       In doing so, H.R. 732 would undermine the ability of  
274 agencies to adequately address unlawful conduct, provide  
275 complete resuscitations for violations of the law, and  
276 tailor remedies to address systemic or diffuse harms to  
277 unidentifiable victims, the public health, or the  
278 environment. Passage of this bill will make our system of  
279 justice less effective, less responsive, and less just. And  
280 I urge my colleagues to oppose this measure. I yield back  
281 the bulks of my time.

282       [The prepared statement of Mr. Cicilline follows:]

283 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

284 Chairman Goodlatte. The chair thanks the gentleman. I  
285 now recognize myself for the purposes of offering an  
286 amendment. The clerk will report the amendment.

287 Ms. Adcock. Amendment to H.R. 732 offered by Mr.  
288 Goodlatte of Virginia. Page 2.

289 [The amendment of Chairman Goodlatte follows:]

290 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

291 Chairman Goodlatte. Without objection, the amendment  
292 will be considered as read, and I will recognize myself to  
293 explain the amendment.

294 This amendment addresses DOJ's shift in tactics late in  
295 the Obama administration. Facing increased scrutiny for  
296 mandatory donation terms, DOJ began forcing settling  
297 defendants to provide financing for various projects. These  
298 loans may well be unprofitable, so defendants are given  
299 credit for losses associated with providing the financing.  
300 As such, these settlement provisions are essentially  
301 donations in the guise of loans.

302 For example, DOJ's January 18, 2017 settlement with  
303 Credit Suisse required the bank to spend 240 million credit  
304 dollars in financing of affordable housing projects. The  
305 bank was given credit for the associate loss, which the  
306 settlement finds as the difference between the amount  
307 provided to the borrower and the estimated future cash flows  
308 from the loan, applying an appropriate discount rate. This  
309 amendment would strengthen the bill by preventing DOJ from  
310 using donations in the guise of loans to circumvent the  
311 bill's restrictions.

312 I urge my colleagues to support it.

313 For what purpose does the gentleman from Michigan seek  
314 recognition?

315 Mr. Conyers. Thank you, Mr. Chairman.



316 Chairman Goodlatte. The gentleman is recognized for 5  
317 minutes.

318 Mr. Conyers. I regretfully have to oppose the  
319 chairman's amendment because this amendment expands the bill  
320 prohibit loans as a form of payment under a civil or  
321 criminal settlement agreement, which would make this  
322 already-problematic bill even worse, in my view, by  
323 prohibiting the use of loans a form of payment under  
324 settlement agreements.

325 Now, under the consumer relief provisions of the  
326 Justice Department's settlements with banks that misled  
327 investors about taxes, mortgages, and securities, settling  
328 banks may satisfy their obligations under the settlements by  
329 providing payment mortgage loan forgiveness to distressed  
330 borrowers.

331 It is unclear how this form of payment, which provides  
332 for purposes of modifying oftentimes-predatory mortgages  
333 issued by the unscrupulous, unlawful activity of the  
334 settling banks is a form of indirect payment, let alone a  
335 slush fund. More importantly, the terms of these loan  
336 modifications are subject to audit by an independent monitor  
337 to ensure that the selling banks actually make consumers  
338 whole.

339 Loan modifications are an important aspect of these  
340 settlements because there have been concerning reports in

the past about defendants' noncompliance with mortgage modification programs such as the Home Affordable Modification Program, popularly known as HAMP, which provides relief to certain distressed homeowners to avoid foreclosures to mortgage modification.

For example, in December 2013, Bloomberg reported that Bank of America, the second-largest lender and one of the banks that settled with the Justice Department, faced more than 15,000 complaints in 2010 alone relating to servicing under HAMP for unscrupulous conduct such as calling homeowners with repeated paperwork requests and incorrect income calculations which then let the more expensive modifications with additional fees do to these delays.

Bloomberg also reported that Bank of America rewarded its staff with cash bonuses and gift cards for meeting quotas tied to sending distressed homeowners into foreclosure. Former employees said this in court documents.

Accordingly, it is clear to me that the consumer relief provisions of these settlements should provide for loan forgiveness and other forms of relief that adequately remedy the effect of the settling bank's unlawful conduct.

And so, I urge opposition to this amendment. And I yield back, Mr. Chairman.

Chairman Goodlatte. Would the gentleman yield?

Mr. Conyers. Certainly.

366 Chairman Goodlatte. I thank the gentleman. I just  
367 want to make clear that this does not affect the refinancing  
368 of loans of the victims in a lawsuit brought by the Justice  
369 Department, or anybody else for that matter, in the  
370 government. But rather is directed at new loans that are to  
371 third parties that are not parties to the lawsuit, not  
372 victims of the crime that is ongoing.

373 That is the purpose of the amendment, and it does not  
374 interfere with the ability of the government to, as a  
375 settlement of a case with a bank, direct that terms and  
376 conditions of an existing loan of one of the victims, or  
377 more victims, be restructured. I thank the gentleman.

378 Ms. Jayapal. Mr. Chairman, I move to strike last word.

379 Chairman Goodlatte. For what purposes? The  
380 gentlewoman is recognized 5 minutes.

381 Ms. Jayapal. Thank you, Mr. Chairman. I also am in  
382 opposition to this amendment, for all reasons that our  
383 distinguished ranking member stated, but I do also want to  
384 say, Mr. Chairman, that I am new to this committee. I  
385 pushed very hard to be on this committee, specifically  
386 because I believe so deeply in the importance of this  
387 committee's jurisdiction to our Nation's founding ideals and  
388 to our future, and therefore I must say that I am quite  
389 dumbfounded that we are marking up this bill at a time when  
390 this President is rapidly rolling out executive orders that

391 have turned our immigration system upside down, and have  
392 resulted in fundamental rights violations, at a time,  
393 frankly, Mr. Chairman, when the President is tweeting his  
394 disdain for an independent judiciary.

395       It seems that this President is not interested in a  
396 system of checks and balances, and seems to believe that he  
397 is the sole determinant of who threatens this country,  
398 whether based on fact or fiction, and regardless of people's  
399 Constitutional rights. This committee, Mr. Chairman, the  
400 Judiciary Committee, should be discussing these enormous and  
401 real questions that are before this country at this time  
402 instead of manufactured solutions to manufactured problems.

403       No less than five Federal judges have ruled against the  
404 President's executive orders. Last Friday, U.S. District  
405 Judge James Robart, appointed by Republican President George  
406 Bush, issued a nationwide stay on one of the executive  
407 orders, finding that the states, "Face immediate and  
408 irreparable injury as a result of the signing and  
409 implementation of the executive order."

410       In addition, he found that the order adversely affects  
411 employment, education, business, family relations, and  
412 freedom to travel, and that "these harms are significant and  
413 ongoing." I am very proud that this decision resulted from  
414 the hard work of my State's Attorney General in Washington  
415 State, Bob Ferguson, and his team. I cannot overstate the

416 ongoing harm that these executive orders are having on the  
417 men, women, and children in my district and State.

418 I have heard from people who are terrified, and I am  
419 not just talking about immigrants and refugees, but also  
420 U.S. citizens and legal permanent residents who should have  
421 nothing to fear when it comes to their rights, who are  
422 afraid of rising Islamophobia and xenophobia.

423 Even after Judge Robart's nationwide stay, I received  
424 numerous calls from people who should be able to enter the  
425 country, but are frightened that they still will not be  
426 allowed back. And just yesterday, one of my constituents,  
427 Isahik Rabi, was finally reunited with his U.S. citizen  
428 wife. He first landed in Seattle over a week ago, right  
429 after the President released his executive order. And what  
430 should have been a joyful reunion turned into a nightmare.

431 Customs and Border Protection quickly put him on a  
432 plane without his papers, and without due process. After  
433 Judge Robart, in my hometown, ordered a nationwide halt to  
434 the travel ban, Mr. Rabi and his attorney quickly began the  
435 process of coming back. And my CBP, and the State  
436 Department staff, and my staff worked late into the night  
437 this weekend on Saturday to actually get him back into the  
438 United States.

439 Instead of fighting the nationwide stay in court and  
440 showing disdain for the judiciary, the administration should

441 be exhausting its resources to reverse the harmful impacts  
442 of its misguided executive order, and this committee, Mr.  
443 Chairman, should be doing everything in our power to check  
444 the administration on its unconstitutional actions, and  
445 implement the real purposes of the judiciary committee. I  
446 yield back the balance of my time.

447 Chairman Goodlatte. Would the gentlewoman yield?  
448 Would the gentlewoman yield?

449 Ms. Jayapal. Yes.

450 Chairman Goodlatte. I thank you for yielding. I just  
451 want to make it very clear that your concern about  
452 protecting the Article I powers of the Congress is well  
453 taken, which should mean you can support this bill and its  
454 amendment, because that is exactly what this does. It  
455 checks abusive power used by the executive branch, and not  
456 just the prior administration, but the current  
457 administration as well.

458 So I would encourage you to support the bill, because  
459 it does exactly what you are concerned about, and that is to  
460 check a power that the executive branch does not have when  
461 it tries to subvert the action of the Congress and tries to  
462 go around the Congress by appropriating funds that the  
463 Congress should be more appropriately appropriating.

464 So, I thank you for your comments.

465 Ms. Jayapal. Mr. Chairman, if I may respond? What I

466 would say is that, first of all, it does not answer the  
467 question of why this committee is not responding to the  
468 crises that we have in the country before us.

469 But secondly, Mr. Chairman, I would argue that the  
470 amount of money that has been put into these settlement  
471 funds, and they are not slush funds, but settlement funds to  
472 respond to the deep needs of our populations who were  
473 adversely affected by the mortgage crisis, require that we  
474 actually take different routes to make sure that those  
475 communities are being addressed. That is what these  
476 settlement funds do, Mr. Chairman. I yield back.

477 Mr. Chabot. Move to strike the last word.

478 Chairman Goodlatte. Chair recognizes the gentleman for  
479 5 minutes.

480 Mr. Chabot. Yield my time to the chair.

481 Chairman Goodlatte. Thank you. I just want to make  
482 very it clear that that is the position that you are taking,  
483 that when the executive branch sees a need to do something  
484 that a particular administration finds to be a priority,  
485 then I am very, very concerned about your position that we  
486 are not addressing the appropriate things that are going on  
487 in the administration, because it is absolutely clear to me  
488 that the prior administration, and future administrations as  
489 well, could abuse their power and supplant the decision-  
490 making power of the Congress by appropriating funds that

491 they have no business appropriating, because they are not  
492 related to victims of the lawsuits they are handling, but  
493 rather to third parties that may be favored groups of people  
494 or favored causes that they have.

495 And so, as a result of that, it would be my hope that  
496 we would look ahead at the concerns that were raised during  
497 the last Congress, and given the fact that there has been a  
498 change of administration, take advantage of the opportunity  
499 to put a check against this administration and future  
500 administrations from supplanting the power of the Congress,  
501 and in fact pass legislation like this that would assure us  
502 all that the Article I powers will be preserved, and that  
503 the Congress is going to take back those powers.

504 Bipartisan support for this legislation, which there is  
505 some, but not enough, will be a very, very helpful thing in  
506 laying the groundwork for making sure that Congress asserts  
507 its Article I powers. I yield back to the gentleman.

508 Mr. Chabot. I can reclaim our time. I yield back.

509 Chairman Goodlatte. Thank you. The question occurs on  
510 the amendment.

511 All those in favor?

512 All those in favor, respond by saying aye.

513 Those opposed, no.

514 In the opinion of the chair, the ayes have it. The  
515 amendment is agreed to. Are there further amendments?



516 Mr. Conyers. Mr. Chairman, I have an amendment at the  
517 desk. The clerk will report the amendment.

518 Ms. Adcock. Amendment to H.R. 732, offered by Mr.  
519 Conyers. Page 2, line 6, insert after settlement agreement  
520 the following, except as provided in Subsection G. Add at  
521 the end of the bill the following.

522 [The amendment of Mr. Conyers follows:]

523 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

524 Chairman Goodlatte. Without objection, the amendment  
525 is considered as read, and the gentleman is recognized for 5  
526 minutes on his amendment.

527 Mr. Conyers. Thank you very much. Members of the  
528 Judiciary Committee, my amendment would exempt from the bill  
529 settlement agreements that direct funds to remediate the  
530 indirect term resulting from the presence of lead in public  
531 drinking water caused by unlawful conduct. This is, to me,  
532 a very common-sense issue, and according to the  
533 Environmental Protection Agency, there is no safe level of  
534 exposure to lead.

535 And we go to Flint, Michigan. The Flint, Michigan  
536 water crisis clearly illustrates the disastrous consequences  
537 of lead contamination in public drinking water, which has  
538 had both direct and indirect harmful effects on the  
539 unsuspecting citizens of this municipality. As a pediatric  
540 doctor in Flint observed, "To understand the contamination  
541 of this city, think about drinking water through a straw  
542 coated in lead. As you sip, lead particles flake off into  
543 the water and are ingested." Flint's children have been  
544 drinking water through lead-coated straws.

545 Unfortunately, the flint water crisis is not just an  
546 isolated circumstance. A report from the American Water  
547 Works Association estimates that millions of water service  
548 lines may be leaching lead into our drinking water. To

549 resolve civil and criminal liability for lead contamination  
550 in drinking water concerning the Flint water crisis, for  
551 instance, settlement agreements may require funds to be set  
552 aside to address various, indirect harms.

553       These would include compensating unidentifiable  
554 victims, directing payments to address generalized harm, or  
555 funding remediation efforts such as environmental compliance  
556 programs to avoid lead contamination in the future.

557       Unfortunately, the measure under consideration H.R.  
558 732, would prohibit these forms of general remediation. As  
559 a Nova Southeastern University College of Law professor and  
560 former Chief Attorney at the Environmental Protection  
561 Agency, Joel Mintz warned, H.R. 732 would prohibit entirely  
562 legitimate and appropriate uses of settlement funds  
563 permitted under current laws, such as environmental  
564 restoration projects or facility assessments and audits.

565       Proponents of this bill argue that requiring civil  
566 penalties be paid directly to the U.S. Treasury would enable  
567 Congress to best decide how to allocate compensatory funds,  
568 yet Congress has already passed environmental laws that  
569 expressly provide for these forms of secondary relief. And  
570 as courts have routinely noted, the purpose of these laws is  
571 to improve water quality, not endow the Treasury.

572       Moreover, Congress lacks the time, expertise, and  
573 resources to review and make enforcement decisions on behalf

574 of Federal agencies. Lead contamination in public drinking  
575 water is a nationwide public health crisis. Congress cannot  
576 simply make individual appropriations and respond to each  
577 instance of general harms caused by lead contamination in  
578 public drinking water.

579       The costs, delay, and overall folly of this scheme  
580 would have a disastrous impact on public health in local  
581 communities, and so accordingly, I urge my colleagues to  
582 please support my amendment. And Mr. Chairman, I yield back  
583 the balance of my time.

584       Chairman Goodlatte. The chair thanks the gentleman and  
585 recognizes himself in opposition to the amendment. I oppose  
586 this amendment because it misses the point. It would exempt  
587 settlements that direct funds to remedy indirect harm  
588 resulting from lead in drinking water. The amendment is for  
589 to focus on indirect harm, because nothing in the bill  
590 prevents remediation of direct harm. But settlement  
591 provisions addressing indirect harm are precisely why this  
592 bill is needed. The bill's guiding principle is that once  
593 direct victims have been compensated, deciding the best use  
594 of additional funds extracted funds from defendants, whether  
595 that is addressing indirect harms or otherwise, is a policy  
596 question properly decided by the elected representatives in  
597 Congress, not agency bureaucrats or prosecutors.

598       Congress recently appropriated \$120 million to address

599 drinking water problems in Flint, Michigan. If there is  
600 further need, Congress can make additional appropriations.  
601 The DOJ should not be permitted to augment these funding  
602 decisions entirely outside of the congressional  
603 appropriation and oversight process. The spending power is  
604 one Congress's most effective tools in reigning in the  
605 executive branch. This is true no matter which party is in  
606 the White House. This amendment would weaken that essential  
607 Congressional power, and I urge my colleagues to oppose it  
608 on institutional grounds.

609 Mr. Raskin. Mr. Chairman.

610 Chairman Goodlatte. What purpose does the gentleman  
611 from Maryland seek recognition?

612 Mr. Raskin. Thank you very much. I would like to  
613 speak on the amendment.

614 Chairman Goodlatte. The gentleman is recognized for 5  
615 minutes.

616 Mr. Raskin. Thank you very much, Mr. Chairman. And I  
617 would rise in support of the ranking member's amendment  
618 here, because I think it makes a bill that is fundamentally  
619 misguided and unnecessary, a little bit better. Just to  
620 refocus our attention on what is at stake here, we are still  
621 recovering from the effects of the worst financial crisis of  
622 our lifetime, Mr. Chairman.

623 The subprime mortgage meltdown crisis and everything

624 that followed cost the American people more than \$22  
625 trillion in lost home equity, retirement savings,  
626 investments, and so on. And it was discovered during that  
627 period that a number of banks were engaged in illegal,  
628 fraudulent, and predatory practices towards their own  
629 clients.

630 And so, one of the ones that you mentioned in your  
631 opening statement, Mr. Chairman, was Credit Suisse, which  
632 ended up in a settlement agreement for more than \$5.5  
633 million. \$2.48 million was given directly to victims in  
634 what you are describing as direct harm, and I think there  
635 was another \$2.8 billion that were given to various groups  
636 to try to remediate the destructive effects of their  
637 predatory practices on affected communities, and a number of  
638 groups were given money in that process to engage in  
639 counseling of distressed homeowners and people who have lost  
640 their houses and were in foreclosure.

641 We still have more than 2 million American families  
642 that are in foreclosure today, as a result of this process.  
643 So, the legislation invites us to believe that there is a  
644 distinction that you are offering between direct harm and  
645 indirect harm, so the theory is that people who are directly  
646 thrown out of their houses because of the racially  
647 discriminatory steering of African American and Hispanic  
648 homeowners away from standard mortgages into subprime market

649 are the direct victims, and they can be compensated  
650 directly, but that the community organizations that work in  
651 their communities to try to counsel people generally and to  
652 try to re-stabilize the community after the effects of the  
653 recession are somehow off limits.

654       Now, this is a novel proposition that essentially is  
655 trying to take from the judicial remedial power and the  
656 power of parties negotiating a settlement a traditional  
657 function that has always been part of settlement agreements.  
658 And it is very unclear why we would want to do this.

659       The mortgage foreclosure crisis and the meltdown  
660 affected, not just people, individuals, but entire  
661 communities. And as we saw, for example, in the Credit  
662 Suisse example, racially-discriminatory action that affected  
663 particular communities in a harder way. So the ability of  
664 the Department of Justice to engage in settlement agreement  
665 that steers some of the money to groups that are working to  
666 re-stabilize and then strengthen the communities is an  
667 essential part of the remedial function of both the courts  
668 and of the Department of Justice.

669       We have not had a hearing on this in this committee in  
670 this session, so those of us new to the committee have not  
671 heard any testimony about it, but I did go back to look at  
672 the testimony that you saw in the last session, and I could  
673 not find any evidence that there was abuse of this in any

674 way. There are already very strict and rigorous  
675 requirements imposed on groups that receive this money to  
676 make sure that they are not engaged in political activity or  
677 other unlawful actions.

678 And so, I think that this is a solution in search of a  
679 problem, and I cannot understand why we would want to do  
680 this. So, for that reason, I am going to support the  
681 amendment, and I will end up opposing the underlying  
682 legislation. Thank you, Mr. Chairman. I yield back.

683 Chairman Goodlatte. For what purpose does the  
684 gentleman from Rhode Island seek recognition?

685 Mr. Cicilline. I move to strike last word.

686 Chairman Goodlatte. Gentleman is recognized for 5  
687 minutes.

688 Mr. Cicilline. Mr. Chairman, I just want to respond.  
689 I know there have been a number of concerns raised by my  
690 colleagues on the other side of the aisle about what this is  
691 intended to address. As my distinguished gentleman  
692 colleague from Maryland said, this really is a Republican  
693 solution in search of a problem that does not exist, and  
694 frankly, it is rife with unintended consequences.

695 Longstanding provisions rely on agency policy as  
696 recognized by the Government Accountability Office in the  
697 Congressional Research Service prevent enforcement agency  
698 from directing funds to politically-favored groups or



699 circumventing the Congress's appropriations role. That is  
700 already the rule. The Justice Department adopted rules in  
701 2008 that require the Deputy Attorney General to approve  
702 appointments of monitors. They also banned deals requiring  
703 companies to make payments to outside groups that were not  
704 harmed by the misconduct or that did not address problems  
705 related to the misconduct.

706       And so, this is really a piece of legislation that is  
707 in search of a problem that does not exist and will have  
708 devastating consequences. And I urge my colleagues not to  
709 view this sense of harm in such a limited way, as the  
710 chairman has suggested. If you have a house that goes into  
711 foreclosure because of predatory lending, it obviously has  
712 an impact on that family. The harm is direct, but it also  
713 has an impact on that neighborhood, on that city, in terms  
714 of a reduction in taxes or a reduction in revenue to the  
715 municipality, a likelihood of increased crime as houses  
716 become abandoned in the neighborhood and depreciate the  
717 value of surrounding houses.

718       And so, this notion of that the only person one harmed  
719 is the direct victim of the predatory lending is a very  
720 unrealistic and too narrow view of the harm that these big  
721 banks caused on our communities, and to prevent the courts  
722 in reaching settlement agreements, to approve responding to  
723 that diffuse harm, I think, is a big mistake.

724           And so, I continue to oppose this bill. I thank the  
725 ranking member for his excellent amendment, because this at  
726 least makes some improvement out of, I think, a fatally-  
727 flawed piece of legislation. The amendment, as proposed,  
728 exempts settlement agreements that direct funds to remediate  
729 the general harm caused by unlawful conduct and increases  
730 the amount of lead contamination in public drinking water.

731           The Flint Water Crisis is an enduring and shameful  
732 reminder of the ramifications of the under-investment in our  
733 infrastructure and for local communities. Last year, Gina  
734 McCarthy, the administrator of the Environmental Protection  
735 Agency under President Obama, testified that, "Across our  
736 country, water infrastructure is aging. It is antiquated,  
737 and it is severely underfunded -- particularly in low-income  
738 communities, which may have the most difficulty securing  
739 traditional funding through rate increases or municipal  
740 bonds."

741           Worse still, effects of environmental catastrophes are  
742 more likely to impact vulnerable populations, which are more  
743 vulnerable to the health impacts of pollution while also  
744 lacking the tools and resources to do something about it, as  
745 Ms. McCarthy has noted.

746           This amendment ensures that these populations are able  
747 to be fully compensated in cases involving lead  
748 contamination in public drinking water. Currently, H.R. 732

749 would prohibit the use of settlement funds to improve water  
750 treatment facilities, maintenance practices, facility  
751 audits, or to prevent additional water contamination at the  
752 source, according to Professor Joel Mintz, an environmental  
753 law expert.

754 As Professor Mintz further observes, "A slush fund is  
755 commonly defined as being used for illicit or corrupt  
756 political purposes. Environmental restoration projects  
757 cannot be fairly considered slush funds in any sense."  
758 Americans deserve access to safe drinking water.

759 Without this amendment, H.R. 732 threatens this  
760 fundamental right by unnecessarily restricting the use of  
761 agencies' longstanding enforcement discretion to craft  
762 settlements and benefit local communities, and to protect  
763 them from this kind of harm. And so, I urge my colleagues  
764 to support this. I thank the ranking member for introducing  
765 this amendment, and with that, I yield back, Mr. Chairman.

766 Chairman Goodlatte. The question occurs on the  
767 amendment offered by the gentleman from Michigan.

768 All those in favor, respond by saying aye.

769 Those opposed, no.

770 Opinion of the chair, the noes have it, and the  
771 amendment is not agreed to.

772 Mr. Conyers. May we have a recorded --

773 Chairman Goodlatte. A recorded vote is requested and

774 the clerk will call the roll.  
775 Ms. Adcock. Mr. Goodlatte?  
776 Chairman Goodlatte. No.  
777 Ms. Adcock. Mr. Goodlatte votes no.  
778 Mr. Sensenbrenner?  
779 [No response.]  
780 Mr. Smith?  
781 [No response.]  
782 Mr. Chabot?  
783 [No response.]  
784 Ms. Adcock. Mr. Issa?  
785 Mr. Issa. No.  
786 Ms. Adcock. Mr. Issa votes no.  
787 Mr. King?  
788 [No response.]  
789 Mr. Franks?  
790 Mr. Franks. No.  
791 Ms. Adcock. Mr. Franks votes no.  
792 Mr. Gohmert?  
793 Mr. Gohmert. No.  
794 Ms. Adcock. Mr. Gohmert votes no.  
795 Mr. Jordan?  
796 [No response.]  
797 Mr. Poe?  
798 [No response.]

799 Ms. Adcock. Mr. Chaffetz?  
800 [No response.]  
801 Mr. Marino?  
802 Mr. Marino. No.  
803 Ms. Adcock. Mr. Marino votes no.  
804 Mr. Gowdy?  
805 Mr. Gowdy. No.  
806 Ms. Adcock. Mr. Gowdy votes no.  
807 Mr. Labrador?  
808 Mr. Labrador?  
809 [No response.]  
810 Mr. Farenthold?  
811 [No response.]  
812 Mr. Collins?  
813 [No response.]  
814 Mr. DeSantis?  
815 [No response.]  
816 Mr. Buck?  
817 Mr. Buck. No.  
818 Ms. Adcock. Mr. Buck votes no.  
819 Mr. Ratcliffe?  
820 Mr. Ratcliffe. No.  
821 Ms. Adcock. Mr. Ratcliffe votes no.  
822 Mr. Bishop?  
823 [No response.]

824 Ms. Roby?  
825 Ms. Roby. No.  
826 Ms. Adcock. Ms. Roby votes no.  
827 Mr. Gaetz?  
828 [No response.]  
829 Mr. Johnson?  
830 Mr. Johnson of Louisiana. No.  
831 Ms. Adcock. Mr. Johnson votes no.  
832 Mr. Biggs?  
833 Mr. Biggs. No.  
834 Ms. Adcock. Mr. Biggs votes no.  
835 Mr. Conyers?  
836 Mr. Conyers. Aye.  
837 Ms. Adcock. Mr. Conyers votes aye.  
838 Mr. Nadler?  
839 Mr. Nadler. Aye.  
840 Ms. Adcock. Mr. Nadler votes aye.  
841 Ms. Lofgren?  
842 [No response.]  
843 Ms. Jackson Lee?  
844 [No response.]  
845 Mr. Cohen?  
846 [No response.]  
847 Mr. Johnson?  
848 Mr. Johnson of Georgia. Aye.

849 Ms. Adcock. Mr. Johnson votes aye.  
850 Ms. Chu?  
851 [No response.]  
852 Mr. Deutch?  
853 Mr. Deutch. Aye.  
854 Ms. Adcock. Mr. Deutch votes aye.  
855 Mr. Gutierrez?  
856 [No response.]  
857 Ms. Bass?  
858 Ms. Bass. Aye  
859 Ms. Adcock. Ms. Bass votes aye.  
860 Mr. Richmond?  
861 [No response.]  
862 Mr. Jeffries?  
863 [No response.]  
864 Mr. Cicilline?  
865 Mr. Cicilline. Aye.  
866 Ms. Adcock. Mr. Cicilline votes aye.  
867 Mr. Swalwell?  
868 Mr. Swalwell. Aye.  
869 Ms. Adcock. Mr. Swalwell votes aye.  
870 Ms. Adcock. Mr. Lieu?  
871 Mr. Lieu. Aye.  
872 Ms. Adcock. Mr. Lieu votes aye.  
873 Mr. Raskin?

874 [No response.]

875 Ms. Jayapal?

876 Ms. Jayapal. Aye.

877 Ms. Adcock. Ms. Jayapal votes aye.

878 Chairman Goodlatte. The gentleman from Florida, Mr.

879 DeSantis?

880 Mr. DeSantis. No.

881 Ms. Adcock. Mr. DeSantis votes no.

882 Chairman Goodlatte. The gentleman from Utah, Mr.

883 Chaffetz.

884 Ms. Adcock. Mr. Chaffetz votes no.

885 Chairman Goodlatte. The gentleman from Ohio, Mr.

886 Jordan?

887 Mr. Jordan. No.

888 Ms. Adcock. Mr. Jordan votes no.

889 Chairman Goodlatte. The gentleman from Michigan, Mr.

890 Bishop.

891 Ms. Adcock. Mr. Bishop votes yes.

892 Chairman Goodlatte. Has every member voted who wishes

893 to vote? The clerk will report.

894 Ms. Adcock. Mr. Chairman, 10 members voted aye, 14

895 members voted no.

896 Chairman Goodlatte. Then the amendment is not agreed

897 to. Are there further amendments to H.R. 732? For what

898 purpose does the gentleman from Georgia seek recognition?



899 Mr. Johnson of Georgia. I have an amendment at the  
900 desk.

901 Chairman Goodlatte. The clerk will report the  
902 amendment.

903 Ms. Adcock. Amendment to H.R. 732, offered by Mr.  
904 Johnson of Georgia. Page 2, Line 6, insert after  
905 "settlement agreement" the following, add at the end of the  
906 bill --

907 [The amendment of Mr. Johnson of Georgia follows:]

908 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

909 Chairman Goodlatte. Without objection, the amendment  
910 is considered as read, and the gentleman is recognized for 5  
911 minutes on his amendment.

912 Mr. Johnson of Georgia. Thank you, Mr. Chairman. My  
913 amendment would block this blanket prohibition on settlement  
914 agreements involving third parties from applying to cases  
915 involving indirect harms caused by unlawful conduct. In  
916 other words, this means, when the bad actor, such as a  
917 polluter or a foreign car manufacturer intentionally breaks  
918 the law and then enters into a settlement with the U.S.  
919 Government, H.R. 732 does not apply. The most recent  
920 example would be aptly-named "Dieselgate," which is the most  
921 recent scandal involving Volkswagen cars.

922 In the fall of 2015, the German car giant was found to  
923 have been cheating on its emissions standards tests.  
924 Software installed in over 500,000 cars allowed the  
925 circumvention of the cars' emissions control systems during  
926 laboratory testing conditions, thus allowing a vehicle to  
927 pass the test despite being non-compliant.

928 In fact, an independent study found the emissions from  
929 the Volkswagen cars were 15 to 40 times higher than the  
930 EPA's compliance levels. This corporate cheating was in  
931 utter disregard for fundamental laws governing the sales of  
932 automobiles in this country and led to the company not only  
933 facing a significant class-action lawsuit, but also a

934 lawsuit by the EPA.

935       As per the terms of the settlement, Volkswagen agreed  
936 to spend up to \$14.7 billion to remediate the excess  
937 emissions. Most of this money went towards a significant  
938 vehicle buyback and repair program, but approximately \$2.7  
939 billion went into the environmental mitigation trust. I  
940 think this is what my friends on the other side of the aisle  
941 do not appreciate.

942       This trust provides money to the states to fund clean  
943 transportation programs. The money is used to invest in  
944 zero-emission buses, the purchase of electric vehicles, and  
945 also to fund efforts to reduce emissions at port facilities.  
946 Almost every State has used funds from this trust to support  
947 various clean transportation programs.

948       For example, the State of Virginia received over \$87  
949 million, Wisconsin over \$63 million, Texas received a  
950 whopping \$191 million, and Georgia has received over \$58  
951 million. I know zero-emission vehicle deployment has been  
952 an area of importance in the Atlanta region, and the money  
953 the German company owes for breaking U.S. Federal law could  
954 potentially be used towards such programs.

955       Volkswagen's actions are even more egregious when you  
956 consider the fact that Volkswagen's executive chief, Oliver  
957 Schmidt, the company's former head of U.S. compliance, was  
958 arrested and charged with conspiracy to defraud the United

959 States. It shows the sheer audacity of the company and the  
960 unprecedented level of fraud that took place. When  
961 companies -- especially foreign companies -- act this  
962 poorly, it is important that the American public has the  
963 opportunity to achieve justice.

964 Some of the agreements that direct funds to remediate  
965 these harms give us that chance. My amendment will allow  
966 for such settlements to be exempt from H.R. 720 [spelled  
967 phonetically]. And with that, Mr. Chairman, I thank you and  
968 I yield back.

969 Chairman Goodlatte. The chair thanks the gentleman.  
970 For what purpose does the gentleman from Colorado seek  
971 recognition?

972 Mr. Buck. To respond.

973 Chairman Goodlatte. The gentleman is recognized for 5  
974 minutes.

975 Mr. Buck. I oppose this amendment because it misses  
976 the point. It would exempt settlements that direct funds to  
977 remedy indirect harm resulting from the Clean Air Act and  
978 other violations. As the chairman explained earlier,  
979 settlement provisions addressing indirect harm are precisely  
980 the problem.

981 How best to address indirect harm as a policy question,  
982 properly decided by elected representatives in Congress, not  
983 agency bureaucrats or prosecutors? Indeed, the bill

984 explicitly references the environmental context in which the  
985 injury to the environment may be diffuse and there may be no  
986 identifiable victims.

987       The bill deals with this by explicitly permitting  
988 payment to remediate environmental damage. If direct  
989 remediation of the harm is impossible or impractical, the  
990 violator is not let off the hook. The full penalty is paid,  
991 but into the Treasury. It is simply the decision as to what  
992 is the next best thing to do with the money is left to the  
993 people's elected representatives in Congress, rather than  
994 the executive branch. Accordingly, I urge my colleagues to  
995 oppose this amendment, and I yield back.

996       Chairman Goodlatte. For what purpose does the  
997 gentleman from Rhode Island seek recognition?

998       Mr. Cicilline. I seek time to support the amendment.

999       Chairman Goodlatte. The gentleman is recognized for 5  
1000 minutes.

1001       Mr. Cicilline. Thank you, Mr. Chairman. I support  
1002 this amendment precisely because it does not miss the point.  
1003 It protects the ability of the court to approve settlement  
1004 agreements that fashion remedies to respond to the actual  
1005 damage caused by the misconduct, actions of the defendants.

1006       Earlier this year, the Department of Justice and other  
1007 enforcement agencies finalized settlement agreements with  
1008 Volkswagen, an automobile manufacturer that defrauded the

1009 public since 2006 with the office of software to evade the  
1010 emissions requirements of the Clean Air Act.

1011       According to independent research, the emission levels  
1012 of Volkswagen cars were 15 to 40 times higher than the EPA's  
1013 compliance level. According to documents filed with the  
1014 court, Volkswagen's engineers implemented software designs  
1015 to evade U.S. emissions tests to satisfy U.S. standards for  
1016 nitrogen oxides.

1017       Volkswagen has pleaded guilty to both civil and  
1018 criminal violations of Federal statutes, including the Clean  
1019 Air Act, by lying to the public and enforcement agencies  
1020 concerning whether its vehicles comply with nitrogen oxide  
1021 emissions standards. According to the Sierra Club, these  
1022 emissions are a powerful pollutant, having direct  
1023 consequences on human and environmental health. People most  
1024 at risk for breathing air containing ozone include people  
1025 with asthma, children, older adults, and people who are  
1026 active outdoors -- especially outdoor workers.

1027       The company also pled guilty to destroying documents,  
1028 making false statements to the public, and other statutory  
1029 violations of the public's trust. Sally Yates, the former  
1030 deputy Attorney General, stated that this unlawful conduct,  
1031 "wasn't simply the action of some faceless multinational  
1032 corporation, but a conspiracy involving flesh-and-blood  
1033 individuals who used their positions within Volkswagen to

1034 deceive both regulators and consumers."

1035       Only yesterday, the Federal Trade Commission finalized  
1036 a settlement with German supplier Bosch, which provided  
1037 Volkswagen with illegal software for its emission defeat  
1038 devices. The New York Times has noted that the involvement  
1039 Bosch, one of the world's largest auto suppliers,  
1040 underscores the broad nature of the diesel deception which  
1041 stretched beyond the car-maker and involved dozens, if not  
1042 hundreds of people, for nearly a decade.

1043       As part of its settlement for knowingly incorporating  
1044 software to cheat emission tests and defraud the public,  
1045 Volkswagen has agreed to a settlement that includes \$4.7  
1046 billion to remediate the excess nitrogen oxide emissions  
1047 caused by its fraudulent conduct.

1048       Supplemental environmental projects, such as this, are  
1049 a lawful use of enforcement discretion that allows agencies  
1050 and the settling party to offset the harms unlawful  
1051 emissions or discharges by requiring parties to undertake an  
1052 environmentally-beneficial project or activity.

1053       In a letter concerning the settlement, a group of  
1054 public-interest organizations encouraged the adoption of a  
1055 step-in response to Volkswagen's emissions scandal, "Above  
1056 and beyond other remedies, so automakers do not take a  
1057 lesson that all they need to do to cure cheating is to pay  
1058 money as a cost of doing business," end quote.

1059           This form of general environmental remediation would be  
1060 prohibited by H.R. 732, which would ban the enforcement of  
1061 settlements that direct funds to remediate the indirect  
1062 harms of unlawful conduct affecting consumers and the  
1063 environment.

1064           At least this amendment would reverse that, and  
1065 I urge my colleagues to support this very important  
1066 amendment. And with that, I yield the balance of my time to  
1067 Mr. Johnson.

1068           Mr. Johnson of Georgia. Thank you. I thank the  
1069 gentleman. Lawsuits in courts seeking justice for direct  
1070 and indirect harms are a time-honored means of forcing  
1071 compliance with Federal law.

1072           This bill muscles that enforcement mechanism, takes it  
1073 off the table. Why? Because my friends on the other side  
1074 of the aisle want to do as much as they can to protect  
1075 corporate polluters from accountability. Now, we already  
1076 know that the criminal laws are not used to punish the  
1077 white-collar criminals to the extent that they should. But  
1078 we certainly have gotten after them with civil lawsuits.  
1079 And why would we not want to use the civil justice process  
1080 to achieve justice for harms such as the involving  
1081 Volkswagen? Why would not we want to do that?

1082           Well, I mean, there is just no reasonable explanation  
1083 other than we want to protect corporate polluters, or at



1084 least my friends on the other side of the aisle want to do  
1085 that. It is not wise. It is borne of skepticism and  
1086 outright hostility to this idea of climate change, of which  
1087 95 percent of scientists will tell you that it is something.  
1088 It is manmade. Man contributes to it.

1089 This settlement or this legislation is another attack  
1090 on science. And for that reason, I would ask that my  
1091 colleagues support this amendment. And I yield back.

1092 Chairman Goodlatte. Question occurred on the  
1093 amendment? For what purpose does the gentleman from Texas  
1094 recognition?

1095 Mr. Gohmert. To strike the last word.

1096 Chairman Goodlatte. The gentleman is recognized for 5  
1097 minutes.

1098 Mr. Gohmert. I am sorry. I will not be long, but, you  
1099 know, when my friend says that his friends across the aisle  
1100 want to protect corporate polluters, I have got to respond  
1101 to that. And I appreciate the position of my friend Mr.  
1102 Johnson, but we are not looking to protect corporate  
1103 polluters. We are looking to make sure that when there is a  
1104 fine, when there is a settlement, that that money goes where  
1105 it should, instead of going to reward some group that is  
1106 friendly in a political way.

1107 We have seen settlements where the government has had  
1108 the proceeds go to groups that help elect Democrats when it

1109 could have better gone to remedy a problem directly. Look,  
1110 if there has been corporate polluters, and they are  
1111 responsible, have that money go directly to the United  
1112 States Treasury. But to direct that money to go anywhere  
1113 but to the U.S. Treasury, well, actually, in Texas, that  
1114 would be a crime to help it go to any group that might help  
1115 people in your party to be elected.

1116 I just find it surprising that there would be  
1117 opposition to saying, "That money goes to the U.S. Treasury  
1118 so Congress can decide where it should go, instead of  
1119 unelected people in the Justice Department."

1120 A good example I will give to you was Ronnie Earle, the  
1121 District Attorney in Texas. Nobody chose to prosecute him,  
1122 I felt like they could have, when he sued corporations and  
1123 required them to donate money to the Texas University's LBJ  
1124 School of Government, which hired him to teach there. He  
1125 required them to do that so he would dismiss the criminal  
1126 charges against them. Although he was not prosecuted,  
1127 people that made the laws in Texas realized those are the  
1128 kinds of things that should be inappropriate.

1129 So, we are not trying to protect corporate polluters.  
1130 We are just trying to make sure money does not go to the  
1131 wrong places. I have had people crying out to me saying,  
1132 "Why would we pay this to a place that is not going to fix  
1133 the problem that they say we created?" So, I appreciate the

1134 --

1135 Chairman Goodlatte. Would the gentleman yield?

1136 Mr. Gohmert. Yes, I yield to the chair.

1137 Chairman Goodlatte. I thank the gentleman for  
1138 yielding, and I take his point, and I want to give another  
1139 example to the gentleman from Georgia, and that is, we had a  
1140 very clear example of this abuse when the Justice Department  
1141 properly prosecuted a bank that was laundering money for  
1142 terrorists, and they wanted to take the proceeds of that  
1143 money, a large, you know, huge sums of money, and spend it  
1144 on indirect things that they thought were a priority. The  
1145 Congress, in that case, interceded and took the money, and  
1146 actually spent it on actual victims of state-sponsored  
1147 terrorism.

1148 The Congress should make these decisions, not the  
1149 bureaucrats, and not the prosecutors. This is not just to  
1150 excuse any of these prosecutions, the perpetrators of these  
1151 acts. They should suffer the same consequences, but the  
1152 money that does not go to direct victims should come back  
1153 into the general Treasury, and the Congress should  
1154 appropriate the funds. Maybe it will be related to  
1155 something that concerns us, regarding the underlying case,  
1156 in terms of pollution or other things like that, or maybe it  
1157 will be spent on another priority.

1158 The issue, however, is that the elected representatives

1159 of the people have a duty, a sworn duty, to uphold the  
1160 Constitution. In Article I of the Constitution, it says  
1161 that Congress shall appropriate funds; not bureaucracies,  
1162 not prosecutors, and for that reason, the gentleman is  
1163 absolutely correct, and I yield back to him.

1164 Mr. Gohmert. And I appreciate the chairman's more  
1165 articulate response than what I had, but I yield the rest of  
1166 my time to my friend from Colorado, Mr. Buck.

1167 Mr. Buck. Thank you. I wanted to just respond to my  
1168 colleague on the other side of the aisle, who was accusing  
1169 us of trying to help corporate polluters. I am not sure if  
1170 he realizes that we have \$20 trillion of debt right now. We  
1171 have \$100 trillion of unfunded liabilities in this country,  
1172 and any money that can go into the U.S. Treasury is money  
1173 that our grandchildren will not have to pay on our  
1174 irresponsible behavior, and I think it is unfortunate that  
1175 my colleague is accusing both of helping corporate  
1176 polluters, when the truth is that elected representatives  
1177 have a duty to spend that money properly, and we have the  
1178 duty to try to make sure that we reduce our debt. I yield  
1179 back.

1180 Ms. Jayapal. Mr. Chairman.

1181 Chairman Goodlatte. For what purpose does the  
1182 gentlewoman from Washington seek recognition?

1183 Ms. Jayapal. Move to strike the last word.

1184 Chairman Goodlatte. The gentlewoman is recognized for  
1185 5 minutes.

1186 Ms. Jayapal. Thank you, Mr. Chairman. I yield to my  
1187 colleague from Georgia.

1188 Mr. Johnson of Georgia. Thank you. I am so sorry that  
1189 I have offended the feelings of my colleagues on the other  
1190 side of the aisle, but I must respectfully point out that  
1191 protecting corporate polluters is exactly what this bill  
1192 would do because, if you ever diverted these indirect  
1193 settlements to the treasury under Republican control and  
1194 Republicans do not see climate change as being an issue, so  
1195 when it comes down to these big corporate pollution lawsuits  
1196 that result in billions and billions and billions of  
1197 dollars, not even reflecting, by the way, profits of the  
1198 wrongdoers, but just breaking off a piece of those profits,  
1199 and giving back some of those ill-gotten gains to the  
1200 appropriate plaintiff. Be it private or a public entity  
1201 such as the EPA, which you all want to get rid of.

1202 I mean, if you put this money into the hands of the  
1203 legislative branch, and it is not going to go to  
1204 environmental remediation. It will go for other things like  
1205 war; like weapons of war; like nuclear weapons.

1206 You know, and so the American people see through these  
1207 pompous protestations. They understand the long record of  
1208 protection of corporate polluters that has us in trouble in

1209 this country, and we have to do something about it. When  
1210 the legislative branch does not move, that is why we have a  
1211 coequal branch of government; the judiciary.

1212 Justice is what taking a case to court is all about,  
1213 and when a plaintiff gets justice, justice in a civil  
1214 proceeding is in the form of pocketbook; monies from your  
1215 pocketbook, and so that money should be directed to the harm  
1216 that was done that was addressed in the underlying  
1217 legislation, and courts have routinely noted that the  
1218 purpose of the laws that have already been passed. These  
1219 environmental laws have already been passed by Congress, and  
1220 when a lawsuit is filed, the purpose of the reward is not to  
1221 endow the treasury, but it is to actually go toward  
1222 remediating the harm.

1223 And so, that is what is so objectionable about H.R.  
1224 732, and that is why I urge my colleagues to vote no on this  
1225 legislation. But before you do it, support this. And, by  
1226 the way, pompous protestations was not directed toward any  
1227 of the members personally, but it was about this bill and  
1228 so, with that, I will yield back the balance to Ms. Jayapal.

1229 Chairman Goodlatte. Does the gentlewoman yield back  
1230 her time? A question occurs on the amendment.

1231 All those in favor, respond by saying aye.

1232 Those opposed, no.

1233 In the opinion of the chair, the noes have it and the

1234 amendment is not agreed to.

1235 A recorded vote is requested and the clerk will call

1236 roll.

1237 Ms. Adcock. Mr. Goodlatte.

1238 Chairman Goodlatte. No.

1239 Ms. Adcock. Mr. Goodlatte votes no.

1240 Mr. Sensenbrenner.

1241 [No response.]

1242 Mr. Smith.

1243 [No response.]

1244 Mr. Chabot.

1245 [No response.]

1246 Mr. Issa.

1247 [No response.]

1248 Mr. King.

1249 [No response.]

1250 Mr. Franks.

1251 Mr. Franks. No.

1252 Ms. Adcock. Mr. Franks votes no.

1253 Mr. Gohmert.

1254 Mr. Gohmert. No.

1255 Ms. Adcock. Mr. Gohmert votes no.

1256 Mr. Jordan

1257 [No response.]

1258 Mr. Poe.

1259	[No response.]
1260	Mr. Chaffetz.
1261	Mr. Chaffetz. No.
1262	Ms. Adcock. Mr. Chaffetz votes no.
1263	Mr. Marino.
1264	[No response]
1265	Mr. Gowdy.
1266	Mr. Gowdy. No.
1267	Ms. Adcock. Mr. Gowdy votes no.
1268	Mr. Labrador.
1269	[No response.]
1270	Mr. Farenthold.
1271	Mr. Farenthold. No.
1272	Ms. Adcock. Mr. Farenthold votes no.
1273	Mr. Collins.
1274	Mr. Collins. No.
1275	Ms. Adcock. Mr. Collins votes no.
1276	Mr. DeSantis.
1277	[No response.]
1278	Mr. Buck.
1279	Mr. Buck. No.
1280	Ms. Adcock. Mr. Buck votes no.
1281	Mr. Ratcliffe.
1282	Mr. Ratcliffe. No.
1283	Ms. Adcock. Mr. Ratcliffe votes no.



1284 Mr. Bishop.  
1285 [No response.]  
1286 Ms. Roby.  
1287 Ms. Roby. No.  
1288 Ms. Adcock. Ms. Roby votes no.  
1289 Mr. Gaetz.  
1290 [No response.]  
1291 Mr. Johnson.  
1292 Mr. Johnson of Louisiana. No.  
1293 Ms. Adcock. Mr. Johnson votes no.  
1294 Mr. Biggs.  
1295 Mr. Biggs. No.  
1296 Ms. Adcock. Mr. Banks votes no.  
1297 Mr. Conyers.  
1298 Mr. Conyers. Aye.  
1299 Ms. Adcock. Mr. Conyers votes aye.  
1300 Mr. Nadler  
1301 Mr. Nadler. Aye.  
1302 Ms. Adcock. Mr. Nadler votes aye.  
1303 Ms. Lofgren.  
1304 [No response.]  
1305 Ms. Jackson Lee.  
1306 [No response.]  
1307 Mr. Cohen.  
1308 [No response.]

1309 Mr. Johnson.

1310 Mr. Johnson of Georgia. Aye.

1311 Ms. Adcock. Mr. Johnson votes aye.

1312 Ms. Chu.

1313 [No response.]

1314 Mr. Deutsch.

1315 [No response.]

1316 Mr. Gutierrez.

1317 [No response.]

1318 Ms. Bass.

1319 [No response.]

1320 Mr. Richmond.

1321 [No response.]

1322 Mr. Jeffries.

1323 [No response.]

1324 Mr. Cicilline.

1325 Mr. Cicilline. Aye.

1326 Ms. Adcock. Mr. Cicilline votes aye.

1327 Mr. Swalwell.

1328 Mr. Swalwell. Aye.

1329 Ms. Adcock. Mr. Swalwell votes aye.

1330 Mr. Lieu.

1331 [No response.]

1332 Mr. Raskin.

1333 Mr. Raskin. Aye.

1334 Ms. Adcock. Mr. Raskin votes aye.  
1335 Ms. Jayapal.  
1336 Ms. Jayapal. Aye.  
1337 Ms. Adcock. Ms. Jayapal votes aye.  
1338 Chairman Goodlatte. The gentleman from California, Mr.  
1339 Issa.  
1340 Mr. Issa. No.  
1341 Ms. Adcock. Mr. Issa votes no.  
1342 Chairman Goodlatte. The gentleman from Michigan, Mr.  
1343 Bishop.  
1344 Mr. Bishop. No.  
1345 Ms. Adcock. Mr. Bishop votes no.  
1346 Chairman Goodlatte. The gentlewoman from California,  
1347 Ms. Bass.  
1348 Ms. Bass. Aye.  
1349 Ms. Adcock. Ms. Bass votes aye.  
1350 Chairman Goodlatte. The gentleman from California, Mr.  
1351 Lieu.  
1352 Mr. Lieu. Aye.  
1353 Ms. Adcock. Mr. Lieu votes aye.  
1354 Chairman Goodlatte. Has every member voted? The  
1355 gentleman from Florida, Mr. Deutsch.  
1356 Mr. Deutsch. Aye.  
1357 Ms. Adcock. Mr. Deutsch votes aye.  
1358 Chairman Goodlatte. Has every member voted who wishes

1359 to vote? The clerk will report.

1360 Ms. Adcock. Mr. Chairman, 10 members voted aye; 14  
1361 members voted no.

1362 Chairman Goodlatte. And the amendment is not agreed  
1363 to.

1364 Are there further amendments? For what purpose does  
1365 the gentleman from Rhode Island seek recognition?

1366 Mr. Cicilline. Mr. Chairman, I have an amendment at  
1367 the desk.

1368 Chairman Goodlatte. The clerk will report the  
1369 amendment.

1370 Ms. Adcock. Amendment to H.R. 732 offered by Mr.  
1371 Cicilline, page 2.

1372 [The amendment of Mr. Cicilline follows:]

1373 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

1374 Chairman Goodlatte. Without an objection, the  
1375 amendment is considered as read and the gentleman is  
1376 recognized for 5 minutes on his amendment.

1377 Mr. Cicilline. Thank you, Mr. Chairman. My amendment  
1378 would exempt from H.R. 732 any settlement agreement that  
1379 directs funds to reduce the effects of the mortgage  
1380 foreclosure crisis through foreclosure prevention assistance  
1381 programs. There is a little debate of predatory fraudulent  
1382 activity in the residential mortgage securities market was a  
1383 primary cause of the mortgage foreclosure crisis.

1384 As U.S. District Court Judge Max Cogburn observed in  
1385 2014 one need not, "Be an expert in economics to take notice  
1386 that it was the trading of toxic, residential mortgage-  
1387 backed securities between financial institutions that nearly  
1388 brought down the banking system in 2008."

1389 The financial crisis blighted entire cities and  
1390 communities, resulting in 13 million Americans losing their  
1391 homes between 2006 and 2014; an average of 850,000 Americans  
1392 per year. Beyond the life-changing hardship and stress  
1393 placed on families by unlawful conduct in the housing  
1394 market, the exponential rise in foreclosures imposed  
1395 significant external costs on families and communities  
1396 across the country.

1397 Fraudulent activity in the housing market depressed  
1398 home and commercial real estate values, undermined economic

1399 development and municipal revenue, deprived communities of  
1400 public services, and resulted in increases in violent crimes  
1401 in communities with significant foreclosure activity.

1402       Leading sources have also documented the contagious  
1403 effects of foreclosures, not just in the neighborhood  
1404 immediately affected by foreclosures, but nearby vicinities  
1405 as well, underscoring the diffuse and systemic impacts of  
1406 unlawful mortgage and securities practices

1407       In response to the financial crisis, President Obama  
1408 announced in 2012 the creation of an investigatory unit  
1409 within the Justice Department to, "hold accountable those  
1410 who broke the law, speed assistance to homeowners, and  
1411 helped turn the page on an era of recklessness that hurt so  
1412 many Americans." This unit secured more than \$40 billion in  
1413 civil penalties, compensation, and consumer relief to  
1414 settlements with five financial institutions: Bank of  
1415 America, Citigroup, Goldman Sachs, Morgan Stanley, and J.P.  
1416 Morgan Chase for alleged misconduct involving the packaging,  
1417 marketing, and sale of residential mortgage-backed  
1418 securities.

1419       Jeffrey Graeber, who directed this effort within the  
1420 Justice Department, testified in 2015 that these settlements  
1421 meaningfully addressed the vicious cycle of harm caused by  
1422 fraud in the housing market by, "Achieving accountability  
1423 for financial institutions that engaged in wrongdoing,

1424 relating to residential mortgage-backed securities, and to  
1425 the extent possible, bringing some measure of relief to  
1426 homeowners who suffered as a result of the financial  
1427 crisis."

1428         In addition to civil penalties, these settlements  
1429 included statement of facts describing the pervasive fraud  
1430 that permeated the mortgage market. In just one example, a  
1431 bank employee stated that he would not be surprised if half  
1432 of these loans went down, and that the bank should start  
1433 praying.

1434         The settlements also included consumer relief  
1435 provisions designed to enable many Americans to stay in  
1436 their homes, by directing funds to distressed homeowners,  
1437 community reinvestment, and stabilization and income-based  
1438 lending for borrowers who lost homes in foreclosure.

1439         The department settlements with Citicorp and Bank of  
1440 America additionally donated \$50 million in funds to  
1441 charitable housing counsel programs, and legal aid  
1442 organizations to provide counsel to homeowners entitled to  
1443 relief under the settlement because they were directly  
1444 affected by the fraudulent and predatory conduct of the  
1445 settling banks.

1446         As the Center for American Progress noted, these funds  
1447 account for less than 1 percent of the overall amount of  
1448 each settlement, and will, "support services provided by

1449 housing counselors and other trusted intermediaries that  
1450 enable consumers to access the consumer relief to which they  
1451 are entitled under the settlements."

1452 At a time when President Trump is attempting to appoint  
1453 Steve Mnuchin, the foreclosure king of California, as  
1454 Secretary of the Treasury, this legislation would  
1455 simultaneously upend the type of exact settlement relief  
1456 designed to keep people in their homes by prohibiting  
1457 enforcement of any settlement agreement that seeks to remedy  
1458 indirect harms caused by unlawful conduct.

1459 We should be doing everything in our power to keep  
1460 American families in their homes. This amendment will at  
1461 least preserve the ability to do that. I urge my colleagues  
1462 to adopt this amendment and, with that, I yield back.

1463 Chairman Goodlatte. For what purpose does the  
1464 gentleman from Texas seek recognition?

1465 Mr. Gohmert. I rise in opposition to the amendment.

1466 Chairman Goodlatte. The gentleman is recognized for 5  
1467 minutes.

1468 Mr. Gohmert. Thank you. I do rise in opposition to  
1469 the amendment, and I have good news that actually the bill  
1470 we are taking up, it actually allows exactly what the  
1471 gentleman would like to happen. What it will not allow is  
1472 the Justice Department will redirect money to those who are  
1473 not directly or proximately harmed. That is the language in



1474 the bill.

1475       In Federal law, right now, victims may be compensated  
1476 under the bill that we are taking up, and the Federal law  
1477 currently defines victims to be those who are directly and  
1478 proximately harmed. So, the underlying bill sought to be  
1479 amended addresses the product. It just prevents the Justice  
1480 Department from sending that money to those who were not  
1481 proximately harmed by the conduct.

1482       It is not protecting any polluters. It is not  
1483 protecting any offenders. It is just making sure that the  
1484 money goes to the actual victims or it goes to the U.S.  
1485 Treasury, which we then in Congress can make sure goes to  
1486 those who may have a more generalized harm.

1487       So, I am encouraged by the underlying bill. I think it  
1488 is a terrific bill and, although I appreciate the  
1489 gentleman's effort on behalf of the victims, I think it is  
1490 fantastic news that actually the underlying bill will make  
1491 sure the money goes to actual victims, and the amendment  
1492 would actually allow it to go to others who did not have  
1493 direct and proximate harm from the conduct.

1494       Mr. Cicilline. Does the gentleman yield?

1495       Mr. Gohmert. Yes, I would be glad to.

1496       Mr. Cicilline. So, I think the gentleman just said  
1497 that the underlying settlements that my colleague on the  
1498 other side of the aisle have conducted oversight over for

1499 the last 2 and one half years; that this does not apply.

1500 That the bill in its current form.

1501 That was the whole impetus for introducing the  
1502 legislation, so if it is, in fact, the case that it does not  
1503 apply, then why are we considering the bill, and why are we  
1504 not following the lead of Martinez who served as housing and  
1505 urban development secretary to President Bush, and general  
1506 chairman of the Republican Party in 2008.

1507 And he said, "There is no room in the housing debate  
1508 for partisan politics, meaning housing needs of this country  
1509 really demand bipartisan cooperation," and he testified in  
1510 2005 that housing counseling has proven to be an extremely  
1511 important element in both the purchase of a home, and in  
1512 helping homeowners keep their homes in times of financial  
1513 distress.

1514 So, why are we not following the recommendation, the  
1515 bipartisan recommendation, of Secretary Martinez, who was  
1516 the chair of the Republican Party, HUD secretary to  
1517 President Bush, and you are now acknowledging the very  
1518 problem you claim caused this bill to be introduced, in  
1519 fact, does not exist.

1520 Mr. Gohmert. I am reclaiming my time. I am not  
1521 admitting, have not admitted any such a thing and, in fact,  
1522 the oversight we did made very clear and from natural  
1523 resources committee that I am on. We have seen the sue-and-

1524 settle agreements between Democratic operatives and people  
1525 in the Democratic administration. It is a problem in  
1526 existence, and this will prevent and, in fact, this is the  
1527 point of the bill that we are preparing and that I am  
1528 proudly going to vote for is going to help deal with future  
1529 problems that we acknowledge have existed, that we found had  
1530 existed, and we are not going to let money from the lawsuits  
1531 the Justice Department brings be directed to people who were  
1532 not directly and proximately harmed by the conduct being  
1533 pursued.

1534 So, I appreciate the gentleman's secondary defense,  
1535 but, actually, it misses the mark. The mark is: this bill  
1536 will solve the problem, make sure the money goes to victims  
1537 and does not go to groups that were not directly harmed, and  
1538 I yield back.

1539 Mr. Conyers. Mr. Chairman.

1540 Chairman Goodlatte. For what purpose does the  
1541 gentleman from Michigan seek recognition?

1542 Mr. Conyers. I rise in support of the amendment.

1543 Chairman Goodlatte. The gentleman is recognized for 5  
1544 minutes.

1545 Mr. Conyers. Thank you. Members of the committee, we  
1546 should want to exempt settlement agreements concerning the  
1547 fraudulent use of mortgage backed securities. As a result  
1548 of predatory loans, toxic mortgage securitization and

1549 regulatory failure, the mortgage foreclosure crisis blighted  
1550 entire cities. My city of Detroit was hit particularly hard  
1551 across the Nation, while destabilizing the home market and  
1552 countless other industries. But the affected foreclosures  
1553 go far beyond simple economics.

1554         Since the start of the Great Recession, foreclosures  
1555 have sent shockwaves throughout entire communities, taking  
1556 children out of school, pulling families and friends apart,  
1557 undermining religious congregations, and creating other  
1558 forms of social instability. Now it is, therefore, vital  
1559 that the Federal Government not only hold fraudulent  
1560 corporations accountable through civil and criminal  
1561 settlements, but that these settlements also materially help  
1562 the millions of consumers harmed by this unlawful conduct.

1563         H.R.732 is premised on the misguided, I am sorry to  
1564 say, belief that the Justice Department's settlement  
1565 agreements would sue Europe and Bank of America's banks.  
1566 That each admitted to fraudulently packaging marketing and  
1567 selling residential mortgage back securities even when they  
1568 knew the loans were defective or bad policy.

1569         To the contrary, these settlement agreements directed  
1570 funds to distressed home owners affected by banks'  
1571 fraudulent and predatory conduct. One could argue that  
1572 these terms would squarely fit within the bill's exception  
1573 for payments, would remedy a direct and approximate harm.

1574           And indeed, as the Center for American Progress has  
1575 clarified, these funds will support services provided by  
1576 housing counselors and other trusted intermediaries that  
1577 enable consumers to access the consumer relief to which they  
1578 are entitled under the settlement.

1579           But as the Justice Department noted in its opposition  
1580 to a prior version of this H.R. 732, this bill would  
1581 unwisely constrain the government's settlement authority and  
1582 preclude many permissible settlements that would advance the  
1583 public interest. Without this amendment, H.R. 732 would  
1584 certainly threaten to diminish the Justice Department's  
1585 ability to advance the public interest. So, I urge my  
1586 colleagues to consider favorably supporting this amendment.  
1587 I yield back, Mr. Chairman.

1588           Chairman Goodlatte. Question occurs on the amendment  
1589 offered by the gentleman from Rhode Island. All voters in  
1590 favor respond by saying, aye.

1591           Those opposed, no. In the opinion of the chair, the  
1592 noes have it. It is not agreed to.

1593           Mr. Cicilline. I ask for a recorded vote, Mr.  
1594 Chairman.

1595           Chairman Goodlatte. Recorded vote is requested, and  
1596 the clerk will call the roll.

1597           Ms. Adcock. Mr. Goodlatte?

1598           Chairman Goodlatte. No.

1599 Ms. Adcock. Mr. Goodlatte votes no.  
1600 Mr. Sensenbrenner?  
1601 [No response.]  
1602 Mr. Smith?  
1603 [No response.]  
1604 Mr. Chabot?  
1605 [No response.]  
1606 Mr. Issa?  
1607 Mr. Issa. No.  
1608 Ms. Adcock. Mr. Issa votes no.  
1609 Mr. King?  
1610 [No response.]  
1611 Mr. Franks?  
1612 Mr. Franks. No.  
1613 Ms. Adcock. Mr. Franks votes no.  
1614 Mr. Gohmert?  
1615 Mr. Gohmert. No.  
1616 Ms. Adcock. Mr. Gohmert votes no.  
1617 Mr. Jordan?  
1618 Mr. Jordan. No.  
1619 Ms. Adcock. Mr. Jordan votes no.  
1620 Mr. Poe?  
1621 [No response.]  
1622 Mr. Chaffetz?  
1623 Mr. Chaffetz. No.

1624 Ms. Adcock. Mr. Chaffetz votes no.  
1625 Mr. Marino?  
1626 Mr. Marino. No.  
1627 Ms. Adcock. Mr. Marino votes no.  
1628 Mr. Gowdy?  
1629 [No response.]  
1630 Mr. Labrador?  
1631 [No response.]  
1632 Mr. Farenthold?  
1633 Mr. Farenthold. No.  
1634 Ms. Adcock. Mr. Farenthold votes no.  
1635 Mr. Collins?  
1636 Mr. Collins. No.  
1637 Ms. Adcock. Mr. Collins votes no.  
1638 Mr. DeSantis?  
1639 [No response.]  
1640 Mr. Buck?  
1641 Mr. Buck. No.  
1642 Ms. Adcock. Mr. Buck votes no.  
1643 Mr. Ratcliff?  
1644 Mr. Ratcliff. No.  
1645 Ms. Adcock. Mr. Ratcliff votes no.  
1646 Mr. Bishop?  
1647 Mr. Bishop. No.  
1648 Ms. Adcock. Mr. Bishop votes no.

1649 Ms. Roby?  
1650 Ms. Roby. No.  
1651 Ms. Adcock. Ms. Roby votes no.  
1652 Mr. Gaetz?  
1653 [No response.]  
1654 Mr. Johnson?  
1655 Mr. Johnson of Louisiana. No.  
1656 Ms. Adcock. Mr. Johnson votes no.  
1657 Mr. Biggs?  
1658 [No response.]  
1659 Mr. Conyers?  
1660 Mr. Conyers. Aye.  
1661 Ms. Adcock. Mr. Conyers votes aye.  
1662 Mr. Nadler?  
1663 Mr. Nadler. Aye.  
1664 Ms. Adcock. Mr. Nadler votes aye.  
1665 Ms. Lofgren?  
1666 [No response.]  
1667 Ms. Jackson Lee?  
1668 [No response.]  
1669 Mr. Cohen?  
1670 [No response.]  
1671 Mr. Johnson?  
1672 Mr. Johnson of Georgia. Aye.  
1673 Ms. Adcock. Mr. Johnson votes aye.



1674 Ms. Chu?  
1675 [No response.]  
1676 Mr. Deutch?  
1677 [No response.]  
1678 Mr. Gutierrez?  
1679 [No response.]  
1680 Ms. Bass?  
1681 [No response.]  
1682 Mr. Richmond?  
1683 [No response.]  
1684 Mr. Jefferies?  
1685 [No response.]  
1686 Mr. Cicilline?  
1687 Mr. Cicilline. Aye.  
1688 Ms. Adcock. Mr. Cicilline votes aye.  
1689 Mr. Swalwell?  
1690 Mr. Swalwell. Aye.  
1691 Ms. Adcock. Mr. Swalwell votes aye.  
1692 Mr. Lieu?  
1693 [No response.]  
1694 Mr. Raskin?  
1695 Mr. Raskin. Aye.  
1696 Ms. Adcock. Mr. Raskin votes aye.  
1697 Ms. Jayapal?  
1698 Ms. Jayapal. Aye.

1699 Ms. Adcock. Ms. Jayapal votes aye.  
1700 Chairman Goodlatte. The gentleman from California.  
1701 Ms. Adcock. Ms. Bass votes aye.  
1702 Chairman Goodlatte. Has every member voted who wishes  
1703 to vote? The gentleman from Arizona.  
1704 Ms. Adcock. Mr. Biggs votes no.  
1705 Chairman Goodlatte. The gentleman from Florida, Mr.  
1706 Gaetz.  
1707 Mr. Gaetz. Yes.  
1708 Ms. Adcock. Mr. Lieu votes aye.  
1709 Chairman Goodlatte. All right. How is the gentleman  
1710 from Florida recorded?  
1711 Ms. Adcock. Mr. Gaetz votes no.  
1712 Chairman Goodlatte. Has every member voted who wishes  
1713 to vote? The clerk will report.  
1714 Ms. Adcock. Mr. Chairman, 9 members voted aye; 16  
1715 members voted no.  
1716 Chairman Goodlatte. And the amendment is not agreed  
1717 to. Are there further amendments?  
1718 Ms. Jayapal. Mr. Chairman?  
1719 Chairman Goodlatte. For what purpose does the  
1720 gentlewoman from Washington seek recognition?  
1721 Ms. Jayapal. I move to strike the last word, and I  
1722 have amendment at the desk.  
1723 Chairman Goodlatte. The Clerk will report the

1724 amendment.

1725       The Clerk. Amendment H.R. 732 offered by Ms. Jayapal  
1726 of Washington. Page 2, line 6.

1727       [The amendment of Ms. Jayapal follows:]

1728 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

1729 Chairman Goodlatte. Objection. The amendment is  
1730 considered as read and the gentlewoman is recognized for 5  
1731 minutes.

1732 Ms. Jayapal. Thank you, Mr. Chairman. This amendment  
1733 exempts from H.R. 732 settlements that direct funds to  
1734 provide assistance to current or potential home owners,  
1735 particularly for the purpose of providing for closure  
1736 prevention or instruction on avoiding predatory lending.

1737 In 2015 the Department of Housing and Urban Development  
1738 certified over 2000 housing counseling agencies that had  
1739 counseled more than 1.3 million families. Some of these  
1740 agencies include Catholic Charities, the National Urban  
1741 League, and a National Council of La Raza.

1742 Across the country, these non-profit housing counseling  
1743 agencies were essential during the foreclosure crisis. They  
1744 are trusted sources of information in the community and  
1745 particularly in these communities that bore a  
1746 disproportionate burden and were targeted by predatory  
1747 lending practices. For many home owners who are about to  
1748 lose their home, they desperately need somebody who can help  
1749 them to understand the process and options.

1750 Ultimately, Mr. Chairman, unfortunately even with the  
1751 help of some of these housing counseling agencies more than  
1752 2.5 million people lost their homes to foreclosure in the 3  
1753 years that followed the burst of the housing bubble. And

1754 between 2007 and 2010 8 percent of Latino families lost  
1755 their homes compared with 4.5 percent of white families, and  
1756 in addition Hispanic families lost 44 percent of their  
1757 wealth.

1758       The September 2014 Neighbor Works America's evaluation  
1759 for the National Foreclosure Mitigation Counseling program  
1760 show that home owners are nearly 3 times, that is 283  
1761 percent, more likely to get a modification if they receive  
1762 housing counseling, and as a result more than 96,000 NFMC  
1763 clients secured a loan modification through housing  
1764 counseling. Modifications that they could not have secured  
1765 on their own and that saved them about \$478 million  
1766 annually.

1767       Policy makers on both sides of the aisle have  
1768 recognized the value of pre-and-post-purchase counseling.  
1769 Former Congressman James Walsh, Republican from New York,  
1770 played an instrumental role in allocating funding to housing  
1771 counseling, and former Senator Kit Bond, Republican from  
1772 Missouri, has written a number of blog posts and editorials  
1773 through his work with the Bipartisan Policy Center on the  
1774 importance of early intervention to forestall financial  
1775 disaster. These are just two examples out of so many who  
1776 have spoken out about housing counseling's demonstrable  
1777 benefit.

1778       If there is no objection, Mr. Chairman, I would like to

1779 submit for the record a letter from some of the  
1780 organizations with their seated objections. I urge my  
1781 colleagues to support this amendment to continue to provide  
1782 these essential housing services to our communities across  
1783 country, and I yield back the balance of my time.

1784 Chairman Goodlatte. Without objection the letter will  
1785 be made a part of the record.

1786 [The information follows:]

1787 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

1788 Chairman Goodlatte. For what purpose does the  
1789 gentlewoman from Alabama seek recognition?

1790 Ms. Roby. May I just strike the last word?

1791 Chairman Goodlatte. The gentlewoman is recognized for  
1792 5 minutes.

1793 Ms. Roby. I pose this amendment would exempt funding  
1794 for HUD approved housing counseling agencies from the bills  
1795 on third party payments. This is not right because such  
1796 funding and regimens are precisely why this bill is needed.  
1797 The bill's guiding principal is that once direct victims  
1798 have been compensated, deciding what to do with the  
1799 additional funds extracted for defendants becomes a policy  
1800 question properly decided by elected representatives in  
1801 congress, not agency bureaucrats or prosecutors.

1802 Congress already finds HUD approved housing counseling  
1803 agencies through the annual appropriations process. For DOA  
1804 to direct additional funding to those entities it properly  
1805 augments their funding entirely outside of the congressional  
1806 appropriations and oversight process. I urge all committee  
1807 members to oppose this amendment on institutional grounds.  
1808 I yield back.

1809 Ms. Jayapal. Would the member yield for a question?

1810 Ms. Roby. I will yield.

1811 Ms. Jayapal. Thank you. Since this amendment does  
1812 cover Catholic charities, faith based organizations, I

1813 mentioned Catholic charities earlier, is it your position  
1814 that even Catholic charities constitute a slush fund?

1815 Ms. Roby. I will reclaim my time. The position is  
1816 Congress already finds HUD approved housing counseling  
1817 agencies through the appropriations process in a specific  
1818 line item. I yield back.

1819 Chairman Goodlatte. For what purpose does the  
1820 gentleman from New York seek recognition?

1821 Mr. Nadler. To strike the last word.

1822 Chairman Goodlatte. The gentleman is recognized for 5  
1823 minutes.

1824 Mr. Nadler. Mr. Chairman, first of all let me  
1825 congratulate the gentlelady from Washington on this  
1826 excellent amendment. Let me just say that we know, as she  
1827 said, the horrible impact of foreclosures on so many people  
1828 after the Great Recession in 2007 to 2010. We know that  
1829 this Congress bailed out the banks. One can debate whether  
1830 we should have or not, but we did. I think we had no  
1831 choice, but we did.

1832 We have not done nearly the same justice to victims of  
1833 foreclosure. Now, it is true that we do fund housing  
1834 assistance groups to help people with foreclosure. It is  
1835 also true, as the gentlelady said, that people who have such  
1836 help avoid foreclosure to a much greater extent than people  
1837 without such help, and it is also true that there is a long



1838 waiting list for such help and that the amount of funding  
1839 that this Congress has provided for such groups is greatly  
1840 underneath what is necessary as shown by the fact of the  
1841 long waiting list and the huge number of people with  
1842 foreclosures who cannot be helped.

1843       So, approving this amendment would be precisely in  
1844 exercise of congressional judgment on this matter. The kind  
1845 of congressional judgment that Roby says we should exercise,  
1846 and she is right, but we should exercise it here. We can do  
1847 it on a merit here. We know here that what the  
1848 appropriators have given is much too inadequate, and that if  
1849 funds can be made available, funds are available as a result  
1850 of settlements they would be very well utilized here, and we  
1851 would save a lot of new income and low income homes from  
1852 foreclosure and would be a little less subject to the charge  
1853 that we bailed out the banks, but not the home owners. A  
1854 charge which has a great deal of validity at this point.

1855       So, I would hope we would exercise our congressional  
1856 judgment, our political and congressional subtend judgment  
1857 on this matter in favor of this amendment, and that is our  
1858 proper role. I yield back.

1859       Chairman Goodlatte. Would the gentleman yield?

1860       Mr. Nadler. Sure.

1861       Chairman Goodlatte. I just want to comment on the  
1862 gentleman's circular logic here. He says the gentlewoman

1863 from Alabama is correct. That this is the province of the  
1864 Congress to appropriate. The Appropriations Committee has  
1865 appropriated, but not enough money. So, by abandoning  
1866 Congress's authority by adopting this amendment and,  
1867 therefore, giving up the authority to put a check against  
1868 bureaucrats and prosecutors appropriating in our place that  
1869 we are affectively appropriating. I think that is circular  
1870 logic, and I am going to call gentleman on it --

1871 Mr. Nadler. Reclaiming my time. It is excellent  
1872 logic, in my opinion. What it is saying is that Congress  
1873 has more than one means of making money available to where  
1874 it sees the necessity for making funds available. We can go  
1875 through a direct appropriation, or noting the failure to  
1876 supply sufficient funds through direct appropriation, we can  
1877 do it this way. And that too is an exercise of valid  
1878 congressional judgment. I yield back.

1879 Chairman Goodlatte. Well, let's put it to vote.

1880 Mr. Cicilline. Mr. Chairman?

1881 Mr. Nadler. Actually the gentleman from Rhode Island  
1882 wanted to intervene --

1883 Mr. Cicilline. Yes.

1884 Mr. Nadler. -- before we vote on that. It is a deal.

1885 Mr. Cicilline. Hoping to make one final argument.

1886 Chairman Goodlatte. The gentleman is recognized for 5  
1887 minutes.

1888           Mr. Cicilline. Thank you, Mr. Chairman. I strongly  
1889 support this amendment. Thank the gentlelady from  
1890 Washington for offering it. It addresses one of my  
1891 principal concerns with H.R. 732. Mainly that it is  
1892 premised on misguided and unsupported rhetoric rather than  
1893 on fact or sound public policy.

1894           Since 2014, majority has pushed for partisan and  
1895 consular investigation into the Justice Department's  
1896 settlements with several banks engaged in fraudulent  
1897 activity in residential mortgage bank securities market,  
1898 notwithstanding the voluminous production of documents,  
1899 including the emails of the attorneys who negotiate these  
1900 settlement agreements, there has been no evidence produced  
1901 suggesting a political agenda of the Justice Department.

1902           Instead, we have uncovered numerous documents that  
1903 illustrate time and time again that the Justice Department  
1904 had a singular purpose in settling these cases, to hold  
1905 unlawful conduct accountable to make consumers whole.

1906           It is also important to note that none of the settling  
1907 banks disputes that their conduct harmed consumers. In  
1908 fact, each of the settlements contained a statement of facts  
1909 that described in detail the culpable conduct of each bank  
1910 that contributed to the collapse of the residential backed  
1911 securities market.

1912           Professor Allan, a legal expert on the mortgage market

1913 debunked the majority bill noting that these settlements,  
1914 quote, are critical to home ownership preservation and full  
1915 housing market recovery. While funds directed to legal  
1916 service and housing counselors always comes with necessary  
1917 oversight, auditing, and reporting to prevent misuse of  
1918 funds.

1919 I have seen this first hand in my own State with  
1920 outstanding foreclosure prevention assistance programs. I  
1921 am also disturbed that the majority of this investigation  
1922 has largely targeted minority organizations with housing  
1923 counseling programs such as the National Council of La Raza  
1924 and the National Urban league rather than the many other  
1925 charitable and local organizations that also have housing  
1926 counseling programs.

1927 Nevertheless, as La Raza has noted, its network of  
1928 expert housing counselors and all HUD certified housing  
1929 counselors play a crucial role as third parties that offer  
1930 unbiased information and advice to home owners, home buyers,  
1931 renters, and victims of predatory lending, and families  
1932 facing a financial emergency. This is particularly for  
1933 Latino families who are among the hardest hit by the  
1934 mortgage foreclosure crisis.

1935 Marc Morial, the president and CEO of the National  
1936 Urban League, has similarly stated that, "The success of  
1937 housing counseling programs provided by the National Urban

1938 League and others are undisputed, but ours have used housing  
1939 counseling one third less to be seriously delinquent on  
1940 their loan payments and those who are in default are 60  
1941 percent more likely to save their homes."

1942 Claims these services are slush funds, Mr. Morial  
1943 concludes, "Is an egregious and shameless attempt to smear  
1944 and impugn the integrity of a long-standing, and trusted  
1945 non-profits, and civil rights organizations."

1946 Mr. Chairman, support for the HUD certified housing  
1947 counsel organizations need not be a partisan issue. Mel  
1948 Martinez, who served as Housing and Urban Development  
1949 Secretary under the George W. Bush administration, and  
1950 chairman of the Republican Party from 2006 to 2007 stressing  
1951 testimony before the House pitting on financial services in  
1952 2005 that, "Housing counseling has proved to be an extremely  
1953 important element in both the purchase of a home and in  
1954 helping home owners keep their homes in time of financial  
1955 stress."

1956 And accordingly, I urge all my colleagues to support  
1957 this excellent amendment and do right by our constituents  
1958 and be sure that they continue to have access to this  
1959 necessary counseling that will help to stabilize  
1960 neighborhoods and keep families in their homes. And with  
1961 that, I yield back.

1962 Chairman Goodlatte. A question occurs on the amendment

1963 offered by the gentlewoman from Washington.

1964 All those in favor respond by saying, aye.

1965 Those opposed, no.

1966 The noes have it. The amendment is not agreed to.

1967 Ms. Jayapal. May I ask for a recorded vote, Mr.

1968 Chairman?

1969 Chairman Goodlatte. A recorded vote is requested and

1970 the clerk will call the roll.

1971 Ms. Adcock. Mr. Goodlatte?

1972 Chairman Goodlatte. No.

1973 Ms. Adcock. Mr. Goodlatte votes no.

1974 Mr. Sensenbrenner?

1975 [No response.]

1976 Mr. Smith?

1977 [No response.]

1978 Mr. Chabot?

1979 [No response.]

1980 Mr. Issa?

1981 Mr. Issa. No.

1982 Ms. Adcock. Mr. Issa votes no.

1983 Mr. King?

1984 [No response.]

1985 Mr. Franks?

1986 Mr. Franks. No.

1987 Ms. Adcock. Mr. Franks votes no.

1988	Mr. Gohmert?
1989	Mr. Gohmert. No.
1990	Ms. Adcock. Mr. Gohmert vote no.
1991	Mr. Jordan?
1992	Mr. Jordan. No.
1993	Ms. Adcock. Mr. Jordan votes no.
1994	Mr. Poe?
1995	[No response.]
1996	Mr. Chaffetz?
1997	Mr. Chaffetz. No.
1998	Ms. Adcock. Mr. Chaffetz votes no.
1999	Mr. Marino?
2000	Mr. Marino. No.
2001	Ms. Adcock. Mr. Marino votes no.
2002	Mr. Gowdy?
2003	Mr. Gowdy. No.
2004	Ms. Adcock. Mr. Gowdy votes no.
2005	Mr. Labrador?
2006	[No response.]
2007	Mr. Farenthold?
2008	Mr. Farenthold. No.
2009	Ms. Adcock. Mr. Farenthold votes no.
2010	Mr. Collins?
2011	Mr. Collins. No.
2012	Ms. Adcock. Mr. Collins votes no.

2013	Mr. DeSantis?
2014	Mr. DeSantis. No.
2015	Ms. Adcock. Mr. DeSantis votes no.
2016	Mr. Buck?
2017	Mr. Buck. No.
2018	Ms. Adcock. Mr. Buck votes no.
2019	Mr. Ratcliff?
2020	[No response.]
2021	Mr. Bishop?
2022	Mr. Bishop. No.
2023	Ms. Adcock. Mr. Bishop votes no.
2024	Ms. Roby?
2025	Ms. Roby. No.
2026	Ms. Adcock. Ms. Roby votes no.
2027	Mr. Gaetz?
2028	Mr. Gaetz. No.
2029	Ms. Adcock. Mr. Gaetz votes no.
2030	Mr. Johnson?
2031	Mr. Johnson of Louisiana. No.
2032	Ms. Adcock. Mr. Johnson votes no.
2033	Mr. Biggs?
2034	Mr. Biggs. No.
2035	Ms. Adcock. Mr. Biggs votes no.
2036	Mr. Conyers?
2037	Mr. Conyers. Aye.



2038 Ms. Adcock. Mr. Conyers votes aye.  
2039 Mr. Nadler?  
2040 Mr. Nadler. Aye.  
2041 Ms. Adcock. Mr. Nadler votes aye.  
2042 Ms. Lofgren?  
2043 [No response.]  
2044 Ms. Jackson Lee?  
2045 [No response.]  
2046 Mr. Cohen?  
2047 [No response.]  
2048 Mr. Johnson?  
2049 Mr. Johnson of Georgia. Aye.  
2050 Ms. Adcock. Mr. Johnson votes aye.  
2051 Ms. Chu?  
2052 [No response.]  
2053 Mr. Deutch?  
2054 [No response.]  
2055 Mr. Gutierrez?  
2056 [No response.]  
2057 Ms. Bass?  
2058 [No response.]  
2059 Mr. Richmond?  
2060 [No response.]  
2061 Mr. Jeffries?  
2062 [No response.]

2063 Mr. Cicilline?  
2064 Mr. Cicilline. Aye.  
2065 Ms. Adcock. Mr. Cicilline votes aye.  
2066 Mr. Swalwell?  
2067 Mr. Swalwell. Aye.  
2068 Ms. Adcock. Mr. Swalwell votes aye.  
2069 Mr. Lou?  
2070 [No response.]  
2071 Mr. Raskin?  
2072 [No response.]  
2073 Ms. Jayapal?  
2074 Ms. Jayapal. Aye.  
2075 Ms. Adcock. Ms. Jayapal votes aye.  
2076 Chairman Goodlatte. Has every member voted who wishes  
2077 to vote? Clerk will report.  
2078 Ms. Adcock. Mr. Chairman, 6 members voted aye; 17  
2079 members voted no.  
2080 Chairman Goodlatte. And the amendment is not agreed  
2081 to. Are there any other amendments to H.R. 732? A  
2082 reporting quorum being present, the questions on the motion  
2083 to report the bill H.R. 732 as amended favorably to the  
2084 House.  
2085 All those in favor, respond by saying aye.  
2086 Those opposed, no.  
2087 The ayes have it and the bill is ordered reported

2088 favorably.

2089 Recorded vote is requested and the clerk will call the  
2090 role.

2091 Ms. Adcock. Mr. Goodlatte?

2092 Chairman Goodlatte. Aye.

2093 Ms. Adcock. Mr. Goodlatte votes aye.

2094 Mr. Sensenbrenner?

2095 [No response.]

2096 Mr. Smith?

2097 [No response.]

2098 Mr. Chabot?

2099 [No response.]

2100 Mr. Issa?

2101 Mr. Issa. Aye.

2102 Ms. Adcock. Mr. Issa votes aye.

2103 Mr. King?

2104 [No response.]

2105 Mr. Franks?

2106 Mr. Franks. Aye.

2107 Ms. Adcock. Mr. Franks votes aye.

2108 Mr. Gohmert?

2109 Mr. Gohmert. Aye.

2110 Ms. Adcock. Mr. Gohmert votes aye.

2111 Mr. Jordan?

2112 Mr. Jordan. Yes.

2113 Ms. Adcock. Mr. Jordan votes yes.  
2114 Mr. Poe?  
2115 [No response.]  
2116 Mr. Chaffetz?  
2117 [No response.]  
2118 Mr. Marino?  
2119 Mr. Marino. Aye.  
2120 Ms. Adcock. Mr. Marino votes aye.  
2121 Mr. Gowdy?  
2122 Mr. Gowdy. Yes.  
2123 Ms. Adcock. Mr. Gowdy votes yes.  
2124 Mr. Labrador?  
2125 [No response.]  
2126 Mr. Farenthold?  
2127 Mr. Farenthold. Aye.  
2128 Ms. Adcock. Mr. Farenthold votes aye.  
2129 Mr. Collins?  
2130 Mr. Collins. Aye.  
2131 Ms. Adcock. Mr. Collins votes aye.  
2132 Mr. DeSantis?  
2133 Mr. DeSantis. Aye.  
2134 Ms. Adcock. Mr. DeSantis votes aye.  
2135 Mr. Buck?  
2136 Mr. Buck. Aye.  
2137 Ms. Adcock. Mr. Buck votes aye.

2138 Mr. Ratcliffe?  
2139 [No response.]  
2140 Mr. Bishop?  
2141 Mr. Bishop. Aye.  
2142 Ms. Adcock. Mr. Bishop votes aye.  
2143 Ms. Roby?  
2144 Ms. Roby. Aye.  
2145 Ms. Adcock. Ms. Roby votes aye.  
2146 Mr. Gaetz?  
2147 Mr. Graves. Aye.  
2148 Ms. Adcock. Mr. Gaetz votes aye.  
2149 Mr. Johnson?  
2150 Mr. Johnson of Louisiana. Aye  
2151 Ms. Adcock. Mr. Johnson votes aye.  
2152 Mr. Biggs?  
2153 Mr. Biggs. Aye.  
2154 Ms. Adcock. Mr. Biggs votes aye.  
2155 Mr. Conyers?  
2156 Mr. Conyers. No.  
2157 Ms. Adcock. Mr. Conyers votes no.  
2158 Mr. Nadler?  
2159 Mr. Nadler. No.  
2160 Ms. Adcock. Mr. Nadler votes no.  
2161 Ms. Lofgren?  
2162 [No response.]

2163 Ms. Jackson Lee?  
2164 [No response.]  
2165 Mr. Cohen?  
2166 Mr. Cohen. No.  
2167 Ms. Adcock. Mr. Cohen votes no.  
2168 Mr. Johnson?  
2169 Mr. Johnson of Georgia. No.  
2170 Ms. Adcock. Mr. Johnson votes no.  
2171 Ms. Chu?  
2172 [No response.]  
2173 Mr. Deutch?  
2174 [No response.]  
2175 Mr. Gutierrez?  
2176 [No response.]  
2177 Ms. Bass?  
2178 [No response.]  
2179 Mr. Richmond?  
2180 [No response.]  
2181 Mr. Jeffries?  
2182 [No response.]  
2183 Mr. Cicilline?  
2184 Mr. Cicilline. No.  
2185 Ms. Adcock. Mr. Cicilline votes no.  
2186 Mr. Swalwell?  
2187 Mr. Swalwell. No.

2188 Ms. Adcock. Mr. Swalwell votes no.  
2189 Ms. Adcock. Mr. Lieu?  
2190 [No response.]  
2191 Mr. Raskin?  
2192 [No response.]  
2193 Ms. Jayapal?  
2194 Ms. Jayapal. No.  
2195 Ms. Adcock. Ms. Jayapal votes no.  
2196 Chairman Goodlatte. The gentleman from Utah.  
2197 Mr. Chaffetz. Aye.  
2198 Ms. Adcock. Mr. Chaffetz votes aye.  
2199 Chairman Goodlatte. Has every member voted who wishes  
2200 to vote? Clerk will report.  
2201 Ms. Adcock. Mr. Chairman, 17 members voted aye, 8  
2202 members voted no.  
2203 Chairman Goodlatte. The ayes have it and the bills  
2204 ordered reported favorably to the House. Members will have  
2205 2 days to submit views without objection. Staff is  
2206 authorized to make technical changes to complete the  
2207 addition amendments to the bill.  
2208 This completes the business of the committee for today.  
2209 I thank all the members for attending and their  
2210 participation. And the markup is adjourned.  
2211 [Whereupon, at 12:03 p.m., the committee adjourned  
2212 subject to the call of the chair.]